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“The lack of transparency in the functioning of the regulatory system is a major problem. Even basic information is not available, like names of medicines licensed for marketing and manufacture in India, brands of medicines in India and MRPs, names of manufacturers, list of vendors and manufacturers of bulk drugs and other ingredients going into a medicine. There is no way of knowing why certain drugs are approved again after being banned, and proceedings of committees which ban or approve them. The first step to solve the problem is to acknowledge that it exists and to bring complete transparency in the functioning of all healthcare regulatory agencies.”

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

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

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

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



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Drug regulation needs a dose of transparency

Dinesh C Sharma

The World Health Organisation in the first week of October issued a global alert on four contaminated paediatric drugs following reports about the death of 69 children due to acute kidney injury in The Gambia. The alert found them to be 'out of specification' after laboratory tests revealed contamination with two industrial solvents - diethylene glycol (DEG) and ethylene glycol. WHO said the manufacturing company - Maiden Pharmaceuticals Limited (MPL) based in India - had not provided the organisation with any guarantees on the safety and quality of these products. The next day, Ministry of Health maintained it was 'a usual practice for importing countries' to test products for quality before their release in local markets. Subsequently, the government formed a panel to investigate the matter and samples of cough syrups were collected from MPL for testing.

This is not the first time such a tragedy has been reported. In January 2020, cough syrup laced with high amounts of DEG caused the death of 12 children in Ramnagar in Jammu. As many as 33 children died after being administered cough medicines contaminated with DEG in Gurgaon in 1998. In such cases, it is likely that industrial chemicals with a similar sounding name were employed negligently instead of propylene glycol, which is typically used to produce cough syrups. This is despite checks mandated for both raw materials and formulations under Good Manufacturing Practices (GMP) rules.

The regulatory system consists of Central Drugs Standard Control Organisation (CDSCO) and 36 state-level drug regulatory agencies. CDSCO deals with new molecules, clinical trials and imported drugs, while state authorities can issue licenses for the manufacture,

sale and distribution of drugs. A chief responsibility of state authorities is to conduct



periodic checks to prevent the manufacturing and marketing of spurious, adulterated, or sub-standard drugs.

The lack of transparency in the functioning of the regulatory system is a major problem. "Even basic information is not available, like names of medicines licensed for marketing and manufacture in India, brands of medicines in India and MRPs, names of manufacturers, list of vendors and manufacturers of bulk drugs and other ingredients going into a medicine. There is no way of knowing why certain drugs are approved again after being banned, and proceedings of committees which ban or approve them," pointed out S Srinivasan of Locost, Vadodara.

"The first step to solve the problem is to acknowledge that it exists and to bring complete transparency in the functioning of all healthcare regulatory agencies including the National Medical Commission and Pharmacovigilance Programme of India which is tasked with keeping track of all adverse and spurious drug reactions," added Kunal Saha, founder of People for Better Treatment, a patient rights group in Kolkata.

Mahesh Zagade, former head of the Food and Drug Administration (FDA) in Maharashtra state, said that regular inspections of manufacturers were mandated by legislation but during his tenure, he found that "these inspections are casual and perfunctory because records relating to purity, quality and raw

The law needs to lay down the guiding principles for the regulator to carry out its functions, with the central duty being to ensure the availability of safe and effective drugs in the interests of public health. This will provide a clear standard against which to review the performance of the drug regulator.

materials are seldom checked thoroughly." The inspection reports, he said, are not shared even with the FDA commissioner.

Unlike in the Western countries, the details of the meetings of the ethics or investigative committees in the National Medical Commission (and other health agencies) are not posted on their website with an intention to keep this secret so corrupt practices are never revealed to the public at large, Saha said. In the developed countries like USA and UK up to half of the members in the medical councils are non-medical people. NMC and state medical councils across India are almost all exclusively doctors raising the obvious question of "conflict of interests" to deliver fair and equitable justice against the errant medicos, medical inspectors and drug manufacturers.

The solution, according to public health activist Dinesh Singh Thakur, is to "centralize licensing function nationwide, appoint honest and competent people and hold them accountable." Thakur filed hundreds of RTI applications in recent years to get information from regulatory authorities about approval of new drugs, banning of harmful drugs and inspection reports. He, along with Prashant Reddy T, has put together this information in the form of book, *The Truth Pill*. The book exposes holes in the regulatory system, weak and ineffective enforcement of the law, leniency shown by courts and the political interference to shield the industry. The book cites the report of the Parliamentary Standing Committee on

Health which in 2012 extensively investigated the functioning of the Central Drugs Standard Control Organisation (CDSCO). The report found widespread violations of rules in the approval of new drugs as well as Fixed Dose Combinations. But the government and the regulator did little to set the house in order. The report of an expert committee set up to investigate suspicious drug approvals mentioned in the parliamentary panel was suppressed and never made public.

An August 2022 report of the Vidhi Centre for Legal Policy has noted that the new drug regulation proposed by the central government should enshrine "a clear set of powers, functions and restraints" without delegating essential functions. The law needs to lay down the guiding principles for the regulator to carry out its functions, with the central duty being to ensure the availability of safe and effective drugs in the interests of public health. This will provide a clear standard against which to review the performance of the drug regulator. The law should make it mandatory for the regulator to make public the rationale behind its regulatory decisions in order to inspire confidence in its ability to protect the health of the public, the report has suggested.

Dinesh C Sharma is a Columnist and author based in New Delhi

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View-Point

How India could end the malaise of 'missing' files that open the door to corruption

Transparency can be achieved by design if government operations are computerised and records displayed on websites at the end of each day

Shailesh Gandhi

When I became a Central Information Commissioner, I was able to see why Public Information Officers, despite being conscientious and wanting to give information, often failed to provide it.

"Untraceable files" is a common reason for not providing information. Of course, this excuse is also used to deny information that could reveal illegal or arbitrary actions or corruption.

It was fairly difficult to gauge when a public information officer was being truthful and when they were lying. Often, a five or 10-year-old file would be missing. It could even have been stolen. But it is difficult to identify when it was misplaced or stolen and fix responsibility.

Many individuals, from the top officers to the ordinary workers, have ample opportunity here. If a file is not required immediately, its "missing" status may only be discovered when details are sought through a right to information application.

Paper trail

The only reason for keeping records is to refer to them when required. But the way government files are organised and maintained, many records cannot be accessed.

Even in the Central Information Commission, which started functioning only in 2005, many files could not be located. The Commission has to send annual reports to Parliament about the number of Right to Information applications filed, disposed of, rejected and so on. The Commission would send reminders to different public authorities

to provide data. Some would reply and some would not. The Commission would then send the



data that was given to it. It had no means to provide accurate information.

Since most government departments maintain registers in which they make entries, it can be quite the task to collate this data and provide it. Even in the Central Information Commission, when some files got misplaced, it was difficult to locate them.

This makes clear a serious problem with the functioning of the government. All government work is done on paper files. When a citizen goes to an office for some work, they are often told that the relevant file cannot be traced. If they pay a bribe, the file becomes available. It is common knowledge that depending on the amount of the bribe, a record can be altered, replaced or lost.

How it enables corruption

A significant amount of corruption and inefficiency is a consequence of maintaining paper files and records. Many government offices create records that they cannot access a few months later. Most have computers that are usually used as electric typewriters. Almost all panchayat offices have computers and internet connectivity. There is, then, a fairly simple solution in sight.

Transparency can be achieved by design if most records are displayed on websites at the end of each day. If any change is made or any record deleted, it is then possible to identify the person who did it and also what changes were made.

If all government work was done on computers and displayed on the relevant department website, there could be a sea change in governance. Only some information, exempt according to the Right to Information Act, should not be made public.

If Parliament proceedings can be telecast live, there is no reason why the executive cannot function in a transparent manner. Only with transparency can there be any hope of accountability.

Had the purchases for the 2010 Commonwealth Games of **toilet paper rolls for nearly Rs 4,000** each been displayed on a government website, perhaps such orders may have never been issued. The transparent availability of information on some decisions will itself curb some of the arbitrariness and corruption.

Towards transparency

Unfortunately, those in power are keen on transparency when it applies to others but are reluctant to practice it themselves. The corrupt, obviously, dislike transparency, while the honest believe they know best and that informing citizens and exposing their actions hinders work.

This is the big challenge then. Accountability will automatically follow transparency and a reduction in corruption and increased efficiency will be natural byproducts.

Information in various files and registers is usually collated manually. Errors in this consolidation are common and difficult to identify. If all government offices worked only on computers and transmitted files over the intranet or the internet, the decision making process would be much faster.

Transparency can be achieved by design if most records are displayed on websites at the end of each day. If any change is made or any record deleted, it is then possible to identify the person who did it and also what changes were made. A backup can be taken regularly so that data remains safe even in the event of a natural disaster.

As for the argument that government employees cannot use computers or that there will be security concerns, India's public-sector banks are clear evidence to the contrary. India prides itself for its superiority in information technology, but fails to use it effectively for governance.

Reports extracted from computerised data can be as accurate as the data collected and decision-making would be more efficient and reasoned. The country can also save thousands of crores spent on paper, files, printing machines and cartridges as well as the space needed to store so many files.

Currently, if a file has to go to three different offices in different cities, it is sent physically. With a computerised system in place, this can be done in less than an hour. Misplaced or lost files would become history.

Digital transition

In my last two years as Central Information Commissioner, I implemented a paperless office and found that efficiency increased greatly. I had to do this with almost no software support and used a simple document management system.

Many officers provide several reasons as to why the government cannot go paperless and entirely digital. Some of these are:

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Objection 1: Digital records can be hacked or deleted and then there would be no record. Security would be compromised.

Counter: The world's banking system depends on digital interlinking. If this was a real threat, international banking would have collapsed. Even in small towns, credit card transactions can be made at local establishments. The country's passport service has also gone paperless. Digital operations can allow for data backup and track or detect any changes or deletion. Paper records, on the other hand, can be altered, substituted or stolen with ease.

Objection 2: Many citizens do not have email access and would need paper responses.

Counter: In such events, a response can be sent using conventional means. In many cases, it is also possible to respond by text messages or instant messaging applications.

Objection 3: Government employees are not willing to work on computers.

Counter: Most government employees are familiar with how computers work. Many of them use smartphones. They only need to be taught how to operate word and data processing software - such as Microsoft Word or Excel - and emails. This can be achieved in a few hours of training.

The government is spending thousands of crores on "digitisation", which involves scanning files, sometimes even after a matter has ended. This has no real benefit. I have received a computerised list of land worth thousands of crores given on lease by the collector of Mumbai in 2006 and then been told in 2012 that the records can no longer be accessed.

If the operations are not computerised, scanning and digitisation will remain ineffective. Suppose a decision is taken to go fully digital by April 2025, ideally, all records made that day onwards should be computerised and only previous files that need work should be scanned.

Accountability to citizens is the rationale and foundation of democracy. This cannot be achieved unless transparency is built into governance as a default mode. Digital operations can usher in this change and the government only needs to decide on a timeframe to achieve this goal.

There is a need for change and the benefits will be enormous. It will result in a meaningful democracy that has credibility as well as the citizen's trust.

Instead of piecemeal e-governance solutions, a commitment to digital government operations would make a discernible change in governance. There is no real obstacle to improving governance and transparency, and one hopes citizens will push for this change.

Shailesh Gandhi is a former Central Information Commissioner

Scroll.in, October 10, 2022

Transparency and the Right to Information

What do we mean by transparency?

There is no commonly agreed definition of transparency, but there is a general consensus that it relates to the right to know and public access to information.

In a broad sense, transparency is about: how much access to internally-held information citizens are entitled to; the scope, accuracy and timeliness of this information; and what citizens (as "outsiders") can do if "insiders" are not sufficiently forthcoming in providing such access.

Excessive secrecy can undermine the quality of public decision-making and prevent citizens from checking the abuses of public power. This can have a corrosive effect on virtually all aspects of society and governance. Transparency -- in terms of both information disclosure and dissemination and access to decision-making -- is therefore very important as it better enables civil society to:

- hold government and/or key decision-makers to account;
- promote good governance;
- improve public policy and efficiency;
- combat corruption.

The benefits of transparency

1. Democracy, accountability and participation

Absence of, or inaccessibility to, information often creates a sense of disempowerment, mistrust and frustration.

The International Human Rights NGO Article 19 has described information as "the oxygen of democracy" while the UNDP Human Development Report 2002 describes informed debate as the "lifeblood of democracies."

Information by itself is not power, but it is an essential first step in the exercise of political and economic power. The public is only able to truly participate in the democratic process when they have

information about the activities and policies of government, and when people can see what benefits and services they are entitled to and whether they are receiving what should be expected. Knowledge of what the state and other institutions do is fundamental to the power of people to hold them to account and improve the way in which they work. Absence of, or inaccessibility to, information often creates a sense of disempowerment, mistrust and frustration. On the other hand, access to relevant, up-to-date information can create a basis for natural exchange, allowing both official and the public to better access decisions taken and policies implemented.

2. Good governance

Transparency is also inextricably linked to governance, one definition of which is "a way of implementing policies through cooperation whereby representatives of the government, market and civil society participate in mixed public and private networks" (Bodegom et al.2008).

Transparency is an important principle of good governance since a degree of clarity and openness about how decisions are taken can help to build the capacity of the poor and/or marginalised to play a role in policy formulation and implementation; to influence these decisions that affect their lives; and to encourage decision- and policy-makers to exercise their power for the greater good.

3. Increased efficiency and effectiveness

Greater transparency can also bring benefits to government themselves, directly or indirectly. Therefore, transparency is also considered to be a key component of public policy and efficiency.

Studies have shown that in countries where information flows freely in both directions:

- The knowledge that decisions and processes are open to public scrutiny can make government bodies work better, by imposing on them a constant discipline;
- Government effectiveness is improved: even the most competent and honest decision-makers need feedback on how policies are working in practice;
- Efficiency in the allocation of resources can also be improved: By ensuring that the benefits of growth are redistributed and not captured by the elite, transparency reforms can result in substantial net savers of public resources and improved socioeconomic and human development indicators.

4. A weapon against corruption

As noted in Transparency International's **Global Corruption Report 2003**, "information is perhaps the most important weapon against corruption."

Having access to information plays a key role in efforts to curb corruption and control its impact, since:

- Free and guaranteed access to information enables citizens, the media and law enforcement agencies to use official records as a means to uncover cases of corruption and maladministration;
- Increasing transparency increases the risk of detection of corrupt practices and this can act as a deterrent to future corruption.

This finds formal expression in the **2005 UN Convention against Corruption (UNCAC)**. So far 140 countries around the globe have signed and 95 nations have ratified the document which calls upon all state parties to ensure public transparency generally, openness in relation to civil servants and funding for electoral candidates, and transparency in public procurement and finances. Such measures aim to promote the prevention, detection and sanctioning of corruption.

Major Initiatives to Enhance Transparency in Public Administration in India

Some of the initiatives taken by the Indian Public Administration to ensure transparency in its working include - Right to Information Act, Public Services Bill, Citizens Charters, e- Governance, e-Bhoomi, e-Choupal, e-procurement.

Right to Information Act - It is the freedom to know the details of the steps and measures taken by the different elements of the system. It can be better called the right of public access to the key information. It induces deep trust in the actions of the system. Whenever the public finds the decisions are forced or manipulated, they can seek the details of the matter.

Citizens Charters- Citizens Charter Bill 2011 aims at providing rights to citizens for time-bound delivery of goods and services and provide a Grievance Redressal Mechanism. Citizen Charter is a voluntary and written document that spells out the service provider's efforts taken to focus on their commitment towards fulfilling the needs of the citizens/customers. Check out the detailed information on Citizen's Charter on the link provided here. Such a bill was previously recommended by the Second Administrative Reforms Commission.

Elimination of Corruption - Lokpal and Lokayuktas aims at reducing corruption by setting up a separate institution of Lokpal at the Central level and Lokayuktas at the State level. These organizations investigate cases of corruption against public servants in the respective Government organizations.

e-Governance - E-Governance initiatives for providing an accountable administration include a framework for efficient handling of public grievances through the Centralised Public Grievance Redress and Monitoring System which is already in place.

"What it takes to sustain truly participatory movements and why we must fight for our democratic right to dissent"- Aruna Roy

Aruna Roy is a social activist and founder of the Mazdoor Kisan Shakti Sangathan (MKSS). Her work and leadership led to the enactment of the Right to Information (RTI) Act 2005—a landmark act that empowers citizens to demand transparency and accountability from government institutions. Over the last four decades, she has been at the forefront of several other people-led movements as well including the Right to Work campaign which led to the institution of MGNREGA, and the Right to Food movement. In 2000, she received the Magsaysay Award for Community Leadership. Interview by Smarinita Shetty and Sneha Philip

Could you tell us a little about your early years and early influences?

I was born a year before Independence. This placed me squarely alongside the journey of the new and nascent country that we call India, or Bharat. I grew up in Delhi—I'm a Dilliwali as they say. My family was progressive and privileged by education—my mother had studied mathematics and physics, my father had been to Shantiniketan when he was a young boy of 10, and my grandmother had done her senior Cambridge. Issues of equality were part of the daily routine. Regardless of their class, caste, or literacy levels, everyone who came home sat together and had tea from the same cups. I did not realise at that time that this was not 'normal'. I grew up celebrating all festivals and listening to the stories of great human beings.

I was sent to *Kalakshetra* in Chennai to learn classical dance and music, and to a range of schools after that. I studied English literature and completed my postgraduation from Indraprastha College, Delhi University, in 1967. I taught a year in my college and, in 1968, joined the civil service as part of the union territories cadre. I was posted in Pondicherry, and then in Delhi. I resigned in 1975 to come to Rajasthan to work with the rural poor.

There are several reasons I have worked all my life. My mother was an extremely intelligent and accomplished woman. She did not however participate in public life, which frustrated her, because she believed that women were not less capable than men. But in a man's world, women were always looked down upon as domestic accoutrements. This was extremely distressing for my mother, and it became deeply ingrained in me that a woman has to have a life beyond the domestic sphere.

You could say that my first politics was feminism. The second was caste politics.

It is one of the fundamental postulates on which I have built my life—a woman must have a place where she can express herself with freedom. My father, grandparents, and great-granduncle had fought discrimination, particularly related to caste. Understanding caste, untouchability, and the rigidity and discrimination of the caste system were part of my growing years. And since I grew up in Delhi shortly after partition, religious discrimination and violence, and the havoc they cause, were also part of my emotional memory.

I joined the civil service because I felt that it was possibly a place where one could actively work to reduce discrimination and inequality in society. When I left the civil service, I started working with a nonprofit called the Social

In those nine years I de-schooled myself. I learned about cross-cultural communication and about poverty, caste, and gender seen through the lens of those who suffer discrimination. I understood what prevents the poor from upward mobility.

Work and Research Center, or **Barefoot College**, in Tilonia, Rajasthan.

In those nine years I de-schooled myself. I learned about cross-cultural communication and about poverty, caste, and gender seen through the lens of those who suffer discrimination. I understood what prevents the poor from upward mobility. I learned from extremely intelligent working-class men and women.

I learned a lot from one woman in particular-Naurti, who has stayed a friend for more than 40 years. She is Dalit, and a little younger than me. She was a wage worker when we first met. She chose to become literate, a labour leader who led the fight against unfair minimum wages, an acknowledged leader of women's rights, a computer operator, and a sarpanch. I was part of her campaign on minimum wages. I took the law to her through an awareness programme, and she organised the people. Finally, in 1983, the Supreme Court delivered a landmark judgement on minimum wages-Sanjit Roy vs the Government of Rajasthan-invoking **Article 14** and **Article 23** of the Constitution.

At Tilonia, I learned about the need for an organisational structure for participatory management. It is critical to build democratic ways of functioning with equality. How do you facilitate participation and what are the non-negotiables? The first principle is that you have to listen, and you have to accept dissent. You must also accept that in order to reach a consensus, you have to give up something. This happens only if there is a structure to do so.

I went to central Rajasthan to work with the workers and set up the Mazdoor Kisan Shakti Sangathan (MKSS), along with like-minded friends-Shankar Singh and



Aruna Roy

Nikhil Dey. MKSS is a sangharsh (struggle) based organisation.

You've shown the country how to build a movement that has outsized impact. How do you build a movement and sustain it when you don't have institutional funding?

A funded movement is limiting. Mahatma Gandhi said that when you fight your own people, you must not at any point open yourself to the criticism that the battle is funded by vested interests. Funding must come from people whose battle is represented, or from supporters of the movements and campaigns. A campaign for equality is not a project.

Participatory movements and campaigns are affected by many variables-the government that can put people in jail, the mafia that can beat them up, the societal

and feudal structure that one has to navigate. It is impossible to tell exactly when something will happen. You cannot therefore predict the outcome of a campaign.

When you work with people there are three kinds of work: seva, nirman, and sangharsh. Seva is welfare or service-providing food to those who are starving or caring for those who are ill. Nirman is development-running schools or a women's skill programme. MKSS's work falls squarely in the third area of sangharsh, or struggle. It is almost always political work in its broadest definition—that of asking for constitutional rights within the framework of democratic participation.

Money is less important than people's participation.

Money is less important than people's participation. The 40-day long dharna (a peaceful demonstration) in Beawar in 1996 was a landmark in the struggle for the RTI, and was a story of people's participation.¹ We walked through 400 villages asking for support. Every family gave us five kilos of grain and four to six days of their time by joining us at the dharna. It became a high point of life in the town. Everybody congregated at the dharna site because it was full of energy. We ate there, lived there, and had events there—poetry readings, celebrations of Babasaheb Ambedkar's birthday, Labour Day, and more.

The movement started as a working-class demand for the RTI to fight corruption and arbitrary use of power, and slowly expanded into understanding how essential it is for democratic functioning and the fact that it's a constitutional value. As a friend of mine, S R Sankaran, an IAS officer, said, "It is a transformatory law, because through the RTI you can realise other rights—human rights, economic rights, social rights, and more."

People realised that transparency is an important way to fight corruption and arbitrary power. But if that dharna in

Beawar hadn't been sustained and supported financially and politically by the local residents and the trade unions, it could not have happened. That is the power of the collective voice—it's the coming together of people, where we own the issue, it becomes our own fight, and when this transition happens, people are with you to struggle till the end.

How can you get different stakeholders, each of whom may have different goals, to align with your mission?

There are a few non-negotiables. First, one's own transparency and accountability must be an important component of our public life. I come from a privileged class by virtue of my birth and education. I work with very underprivileged people. When one is in a position of privilege, conversations have to begin by stating our probity and integrity, and with transparency. For example, there was a daily account of donations on a board at the *dharna* in Beawar.

Second, you have to be equal, not just talk about equality. Deep down we have to understand that everybody is an equal, that everybody has a right to think, to talk, to be. A dilemma arises when you talk to people who do not share the same basic principles. If I am in discussion with a person who believes in caste, I should have the ability to start a dialogue with them about how completely illogical caste is. But unless we enter into a dialogue we really do not have true engagement, friendship, participation, and growth.

The Dalits and the poor taught me that for them any expression of equality means struggle, and the courage to confront.

Civil society is a target today because it amplifies the voices of justice and equality.

If you want anything to succeed, you have to involve a range of people. And you have to convince them about your idea-

We need to nurture a culture of non-violence. Non-violence is born of tolerance, courage and a respect for life. It is a great Indian heritage, which is being undermined.

this must happen through public communication. Civil society is a target today because it amplifies the voices of justice and equality. We also have to understand that civil society is a large umbrella; it's not just activists. It includes practically the entire population of India, because except for the state and the market, everyone else is civil society. We have to fight to sustain what we have.

What is your message for young people in India? How do we make sure that we don't waste the legacy that you and your fellow travellers have bequeathed us?

The right to freedom of expression is fundamental to everyone's well-being. Any system that tries to repress and suppress this right denies not only a democratic or constitutional right, but also a human right. It denies the right to life and liberty. Hence, for many of us today, the major preoccupation is India's democracy, global democracy, and the attack on the right to freedom of expression, on account of which so many young people have suffered.

The most important right being corroded in the last seven years is free speech and expression with equality. It is such an important part of life and an important guarantee of real democracy. And today we must regain whatever we've lost, and sustain whatever we have for a better future. It doesn't matter whether you're involved in sangharsh, seva, or nirman, whether you're a small or large organisation, whether you are a woman or a man. It doesn't matter where you're located. The right to free speech and expression is fundamental for freedom and liberty.

Young people must also understand that there is no such thing as 'my work' and 'your work'. There's simply work to be done. The issue should be far more

important than our individual selves. We are all instruments that bring an issue alive. We all want to be recognised and acknowledged-it's a human condition. But at what cost? Understanding that one's personal good lies within the general good is important.

Do you have any concluding thoughts for all of us?

We see an increasing slew of attacks against religious minorities, Dalits, and other marginalised communities. Civil society, which speaks out against oppression and amplifies the voices of the marginalised, is also under attack. Violence, instead of discussion and debate, has become a common response for settling disagreements. But what makes all this worse is the state's covert and overt support for perpetrators of violence.

We need to nurture a culture of non-violence. Non-violence is born of tolerance, courage and a respect for life. It is a great Indian heritage, which is being undermined. We need to build forums for exchange of ideas and dialogue, which is what a constitutional democracy is all about.

I wish for a free and open society in which the young can function and do whatever they want to do without fear within the four corners of constitutional morality.

Finally, I owe a huge debt of gratitude to the thousands of people who have contributed to my growth, reassuring me that there is goodness in humanity and that we all have roles to play as more equal, just people, and that we can bridge the gap between the privileged and the underprivileged. I hope that in the years I have to live, I never stop talking truth to power.

This interview was originally published in India Development Review (IDR).

Policy making through the third eye

M S Sriram

At a time when data is being obfuscated, manipulated, and used selectively to justify policies and action, the book by N Bhaskara Rao turns out to be an important read. It provides the rationale for locating research in policy making and also gives us a broad-brush history of how research has evolved over decades. The book makes a compulsive case for research in planning monitoring policy interventions, in order to carry out course corrections.

A policy-maker seeks inputs from multiple sources. First, there is raw data gathered generically-the census, the multiple rounds of surveys by the National Sample Survey Organisation, the Periodic Labour Force Surveys and so on. These give inputs and insights about shifting patterns of our demographic, economic and social profiles. There is also specific data pertaining to interventions. This data could flow in the natural course through a management information system, on a real time basis reflecting on dashboards; or alternatively data could be specifically collected to understand design or delivery. The third would be survey-based feedback on satisfaction levels; or through involved and expensive exercises that inform impacts using Randomised Control Trials (RCTs). In addition, there are opinion polls looking at the broader "mood of the nation" type exercises. All these inform the policy-maker.

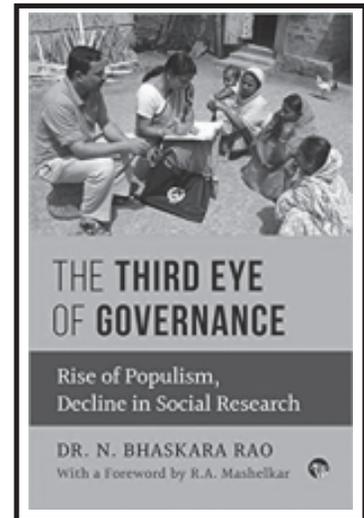
Here, Dr Rao asks a basic question: How do we use these specifically? What is an appropriate tool to design an intervention? He answers this through examples of policy interventions over multiple decades and illustrates how the design and course corrections could happen. He deftly unpeels the type of insights that each one of these data

sources could give, showing scorn on 'opinion polls and almost dismissing real-time dashboard data as something that does not give insights for policy making. Dr Rao shows his quest for looking through policies

through the third eye - something that is not visible to the naked eye.

Apart from the data and the methods, there are agencies and think tanks that collect the data, analyse them and provide insights. Dr Rao examines the type of agencies that have been working in the field over time, how they have evolved and critically examines the current state of affairs. The question here is two-fold: How grounded should the agencies be to give insights into the design of research programmes without losing context? And how embedded they should be to avoid acting as echo chambers and ensure objectivity? The answers to both these questions are obvious, but the practices seem to be significantly at variance. He is unsparing about the way agencies are chosen in contemporary times, with particular anger towards multinational consulting agencies. He thinks that they neither check the boxes in terms of feet-on-the-ground qualities nor on objectivity and distance from the policy-maker.

Another aspect that Dr Rao deals with are the personalities that shaped the research programme in India, the ones that built research institutions that fed



Apart from the data and the methods, there are agencies and think tanks that collect the data, analyse them and provide insights. Dr Rao examines the type of agencies that have been working in the field over time, how they have evolved and critically examines the current state of affairs.

into policy making and how they shaped the exchange with certain sense of nostalgia in looking at the institutions that were built around the Nehruvian era and Dr Rao's respect for institutions and personalities keeps waning as we move towards contemporary times.

Though Dr Rao does not break the narrative into the silos mentioned above, the issues he deals with broadly pertain to data, methodology, agencies and personalities. He has seen most of these and done much work in the area. He has seen multiple regimes and has a deep sense of how field research has evolved. He has had personal interactions with many regimes. Therefore, the insights that he provides are very valuable. There is a sense of despondency and helplessness as he moves to contemporary times. This is represented by being embedded and wanting to please clients to tell them what they want to hear, reducing the research exercise to little more than an opinion poll. This, he says, leads to a reduction in the horizons and moving towards an immediate rather than a well thought-out-long-term response - leading to a transactional response from the state.

In the current times when data is under threat, an objective analysis of policies are not available and stories on employment are being built on the basis of Employees' Provident Fund

Organisation enrolments and with anecdotal evidence from cab aggregators, it is important to flag the issues that Dr Rao raises and look inwards on informed policy making. The line that Dr Rao takes is about using data, information and insights in a smart manner. He does not seem to advocate extensive use of impact studies using RCTs, though he repeatedly mentions the name of Abhijit Banerjee in the book. Overall, in nearly 300 pages, he makes one significant and important point of the importance of research in policy making.

Though Dr Rao has a compelling argument, this book could have done with some serious editorial input both in terms of how it is organised so that it could have been broken into thematic silos rather than each chapter being divided between nostalgia and a rant. The experience is not about reading a book and reflecting on it, but is almost like hearing Dr Rao speak endlessly about his achievements and frustrations with events and anecdotes frequently repeated. Also, the editors would have possibly made the distinction between the phonetics of how the names are aurally heard and how they are spelt. But for these two significant irritations, there is no doubt that the book is and it comes from a very credible source.

**Source: *Business Standard*,
October 18, 2022**

Media quantity increases in India but crisis of credibility; quality and ethics: Media survey

Here are excerpts from the findings of a survey conducted by the Lokniti programme at the Centre for the Study of Developing Studies (CSDS) and German political foundation (Konrad Adenauer Stiftung)

From the several findings of the Media Survey shared in the report, some broad conclusions can be drawn.

Mobile dominance: First and foremost, the survey highlights the growing importance of a mobile phone in the life of an average Indian. Around seven out of every ten citizens in the country today own a mobile phone and of them nearly two-thirds are smartphone owners. This means that more people in India today own a smartphone than an ordinary mobile phone which was not the case till about three years ago when a national survey by Lokniti had found more citizens to be using basic and feature phones than smartphones.

This dramatic shift in the type of mobile phone being used in such a short span of time is most likely to have happened on account of the pandemic and the lockdowns that came in its wake that forced people to move their activities and education online. In fact, the survey also found that those who use internet in India (two-thirds use the internet and two-fifths use it actively) are mostly using it on their mobile phone through a data plan. Very few households (only one in ten) also access the internet through a reliable broadband connection at home. This finding also assumes significance in the context of frequent internet shutdowns in the country that usually involve the suspension of only mobile internet services and not fixed-line services (dial-up, wired/wireless broadband).

In comparison to mobile phone (and smartphone) ownership, computer/laptop/tablet ownership is very low in the

country. Only one of every five households has a computer or laptop or tablet at home. The low ownership of computers also indicates that much of the online education that took place during the pandemic happened on smartphones and not on the larger screens of computers. The increasing importance of the mobile phone in India can also be gauged from the fact that more Indian households today have a mobile phone at home (i.e., with at least one mobile phone-owning member) than they have a television set, which is a reversal of the trend that existed a decade ago.

Digital divide persists but is less sharp: Although there is no doubt that access to mobile phones and the internet among people has increased in a major way over the last few years, the digital divide (i.e., the gap between demographics and regions that have access to modern information and communications technology and that don't) still exists, even though it is less sharp now than earlier. The usage of digital devices such as mobile phones, smartphones, and computers/laptops/tablets is comparatively still much less among the elderly, the economically poor, non-literate and rural citizens than it is among the young, economically well-off, educated and urban citizens. It is also far lower among women compared to men. For instance, even though women now, unlike earlier, are more likely to have a mobile phone than not have one, they are still far behind men in their access to a mobile phone. What's more, even as there is hardly any difference between women and men as far as ownership of an ordinary mobile phone

Even though there is an acknowledgement that surveillance takes place, it is not necessarily seen as a bad thing. That being said, on the whole, people were more likely to disapprove of phone conversation surveillance than social media surveillance.

is concerned, there remains a huge difference between the two genders with respect to smartphone ownership. Since internet access/usage in India happens mostly through smartphones, the smartphone ownership divide between men and women also means that fewer women than men are accessing/using the internet. As far as castes and communities are concerned, Scheduled Tribe citizens and households are least likely to use or own digital devices or have access to the internet.

Internet usage is mostly about social media usage: The most common and popular activity on the internet is the usage of social media and messaging services. The survey found that nine out of ten active internet users use social media and messaging platforms (at least one of them), which is far greater than any other activity that internet users are engaging in on the internet. While search engines are being used by three- 160-fourths of active internet users, news and current affairs website browsing is being done by around seven out of ten of them. Significantly, the usage of e-mails which was quite a common activity among internet users until social media and messaging platforms arrived is only being done by about two-thirds of active internet users and that too quite irregularly.

Facebook dominance fades, YouTube the rising star: The most used social media and messaging platforms by Indians currently are WhatsApp and YouTube, both of which have seen steady growth during the last three years, YouTube particularly. WhatsApp usage has increased by seven percentage points in the last three years and YouTube usage has gone up by 11 points. Facebook, which was once the most dominant social media

platform has slipped to the third position according to the survey. Many of Facebook's users seem to have shifted to using Instagram, which the survey found to be the fourth most used social media platform in India. Instagram use has nearly doubled in the last three to four years while Facebook's has stagnated. Quite surprisingly, the usage of Twitter, the micro-blogging service which is always in the news because of its high usage by celebrities and politicians, continues to lag behind quite a bit. The survey not only found it to be less popular than Telegram (a messaging platform that was launched much after Twitter), but also found it to be used more infrequently by its users than frequently.

Government surveillance is acknowledged but not considered immoral by many: Most smartphone and internet users were found to hold the belief that the government monitors what people do on the internet or their phone, i.e., they acknowledged that it takes place. However, this acknowledgement does not mean that they disapprove of government surveillance. This is because when the same people were asked to give their opinion about the morality/ethicality of government surveillance, a sizeable proportion of them saw nothing wrong with it. For instance, social media users who believe that the government monitors people's internet and phone activities were more likely to consider government surveillance of social media activities to be "nothing wrong" than those who believe that the government doesn't monitor these activities. This same pattern could be seen with respect to mobile phone users' opinions regarding the ethicality of the government monitoring people's phone conversations. Those who believed

Even though most internet users are mostly engaged in using social media and messaging platforms on the internet more than any other internet service, nonetheless they do not trust the information that they receive on social media platforms very much.

that the government surveils people's phone conversations were less likely to consider it wrong than those who believe it doesn't. In other words, people's belief that government surveillance takes place shouldn't be misconstrued as disapproval of it.

Social media is used a lot by internet users but least trusted: Even though most internet users are mostly engaged in using social media and messaging platforms on the internet more than any other internet service, nonetheless they do not trust the information that they receive on social media platforms very much. Very few active social media users were found to have high trust in the information or news that they receive on social media. Most have moderate to low trust. While Twitter and WhatsApp are the most highly trusted of all platforms, even concerning them only a sixth of their users highly trust them to disseminate/carry correct news or information. Around half of all social media users were found to be highly or moderately concerned about receiving fake news or information on social media or messenger apps, and nearly half of all social media users admitted to having been misled by fake news or information online at some point. The survey also found social media companies to be far less trusted than other internet services such as search engines or government websites when it came to the issue of ensuring the secrecy and confidentiality of personal data and activities.

Harassment on social media: Harassment and trolling on social media is something that quite a few social media users have experienced. Around one-third of active Facebook, WhatsApp and Twitter

users reported being threatened, harassed or trolled by known or unknown people after sharing content on these platforms during the last year. This harassment may be resulting in self-censorship or a spiral of silence on social media. That's because the survey also found that around two in every five social media users have in the last year either stopped themselves from expressing their political opinions or at least thought twice about doing so because they feared being misunderstood, seen in a bad light by people they know or being harassed by strangers. The survey found that not many social media users in India are posting or expressing their thoughts and opinions on issues. They are in fact far more likely to post photographs, particularly selfies, on their social media platforms than post opinions. As far as posting political opinions is concerned, a very large proportion of social media users (even WhatsApp and Facebook users) said that they do not do so.

A guarded and perhaps illiberal outlook regarding freedom of expression on social media: Most of the survey respondents were found to carry what could be considered conservative or illiberal opinions on the issue of free speech and expression on social media. For instance, a greater proportion of social media users expressed their opposition to than support for the proposition that "even if an idea or opinion is seen as offensive, there is nothing wrong if people express it on social media or WhatsApp". They were also more against the posting of supposedly 'offensive' and 'objectionable' opinions about the government on social media and messaging platforms than in

favour of it. However, on this matter (that of posting an 'objectionable' opinion about the government), their opposition was relatively less strong when compared with their opposition to posting opinions of an 'offensive' nature on social media more generally. Support for internet shutdowns by governments on law and order grounds was also greater than opposition to it.

The only issue, perhaps, on which a not-so-conservative opinion was seen, was that of government regulation of social media content. Social media users were far more likely to be against than in favour of the idea of the government determining what can or cannot be posted on social media or WhatsApp.

TV is still the main news source: Despite it being the age of the internet, for most Indians, the traditional medium of television continues to be the main go to source for news. In the survey, people were twice as likely to cite TV as their main source of news as they were to cite new media, i.e., internet/ mobile phones/ social media. This is not to say that the internet has not emerged as a major means of obtaining news. Moreover, most Indians seem to prefer to watch news channels (on TV or elsewhere) rather than read newspapers. While there is nothing new in this and news channels have always been more popular than newspapers, the gap between the two mediums seems to have widened further and this is largely due to a decline in newspaper reading rather than in news channel watching. Newspapers, however, fare better than online news websites. While half of all respondents reported reading a newspaper, two-fifths said that they visit/browse news and current affairs websites.

Content is consumed in the local language: Much of the news and entertainment that people are consuming seems to be in their local language. While in the northern and central parts of the country, most people are accessing/

consuming news and entertainment (films, TV dramas etc.) in Hindi, in other parts of the country it is the non-Hindi regional languages that mostly dominate. Having said that, there were quite a few respondents (25-35%) in the non-Hindi-speaking states of Gujarat, Maharashtra, Assam and Punjab did report consuming news and entertainment mostly in Hindi and not the local language.

News preferences: Most news consumers seem to prefer watching or reading local news (state or district news) rather than national news. Moreover, following what's happening outside the country (international news) seems to be the least of their priorities. There also seems to be a yearning among news consumers to return to the old way of delivering news.

Even though news channels are increasingly choosing to have more debate-oriented shows than traditional-style news bulletins, most news consumers in the survey preferred the latter over the former when given a choice between the two.

Little trust in private news channels: While the public broadcaster Doordarshan and newspapers (generally speaking) were found to enjoy a high amount of trust from their consumers (one-third of their consumers said they highly trust them); private news channels did not fare as well with only one in every seven of their viewers reporting high faith in the news being disseminated by them. All India Radio news and online news websites did even worse than private news channels. This is significant but not surprising given that the news media has often in recent times been accused of targeting and vilifying the Muslim community in its coverage. A clear partisan divide on the issue of trust was also noticed.

Excerpts from the report of Survey-Media in India; Access, Practice, Concerns and Effects



Ushering in transparency

The Supreme Court's decision to live-stream proceedings was taken in a full court led by Chief Justice of India UU Lalit. It is immensely welcome. The move, which expands on the idea of an open court that is accessible and transparent, marks the onset of a significant transformation in the judiciary's functioning. Live-streaming directly brings citizens into conversations that have so far largely remained restricted to judges, lawyers and litigants, on vital issues affecting the polity and society. These include cases challenging the constitutionality of job quotas for economically weaker sections, questions related to the political crisis in Maharashtra after the breakaway of a section of Shiv Sena legislators, and about the validity of the All India Bar Examination.

In 2018 a three-judge bench of the Supreme Court allowed live-streaming in cases of constitutional and national

importance. Attorney General KK Venugopal, who has for long advocated the idea of regional benches of the Supreme Court to improve access to justice, also battled for live-streaming. Quoting the English legal philosopher Jeremy Bentham, the Supreme Court said that publicity is the very soul of justice. "It is the keenest spur to exertion, and surest of all guards against improbity. It keeps the Judge himself while trying under trial (in the sense that) the security of securities is publicity," the Court had said. It still took four years, three chief justices and the pandemic to ensure the adequate infrastructure for live-streaming. On the Supreme Court's cue, at least seven high courts started telecasting proceedings live. Across the world, live-streaming of judicial processes is an established practice - from the International Court of Justice to the Supreme Courts in other common law countries such as Kenya, Canada, Brazil.

Source: The Indian Express, 28 September, 2022

Broken teeth: Editorial on turning RTI platform into a toothless machinery

The wheels of justice grind slowly in India. Each tier of the Indian judiciary, especially the lower courts, is groaning under the bulk of cases. However, the judiciary is not the only institution battling the spectre of pendency. Several other bodies that constitute the wide and diverse ecosystem of accountability are afflicted with a similar problem. Consider the edifice of the Right to Information. The RTI Act, now

in its seventeenth year of existence, was conceived as a potent weapon to usher in the spirit of transparency in a polity notorious for obfuscation. Unfortunately, much like the judiciary, the RTI framework is working at a snail's pace. The reason, as is evident from a recent report by the Satark Nagrik Sangathan, is not exactly novel: an inertia to keep the RTI nimble and productive. The data gleaned from the Information

Commissions are rather chastening. The total number of pending appeals and complains is 3,14,323 in 2022, up from 2,18,347 three years ago. This is only to be expected, given the reduced strength of most of the Information Commissions. A number of the Commissions, including the Central Information Commission, are functioning without their stipulated number of personnel; West Bengal, Andhra Pradesh, Telangana and Manipur lack the designated chiefs; shockingly, the Information Commissions of Jharkhand and Tripura are alleged to be completely defunct.

Worse, these are not the only problems hobbling the RTI infrastructure. Budgetary constraints are not uncommon. The sum allocated to the CIC and RTI in 2021 was reported to be 44 per cent lower than the allocation in the previous year.

India's whistleblowers also lead perilous lives, as revealed by the frequent harassment and even deaths of RTI activists. The Narendra Modi government, which came to power with a purported pledge to rid corruption, has been accused of diluting the RTI Act through a series of amendments that seek to curb the autonomy of officials. Taken together, all this points to the absence of political will to inject accountability into public offices - one of the basic imperatives of a democracy. Removing the road blocks that adversely affect the Information Commissions is the need of the hour. This, in turn, would bring down the pendency of appeals. Turning the RTI platform into a toothless machinery goes against the public right to demand transparency of opaque systems of power.

Source: The Telegraph, 25 October, 2022

Vital intervention: On the Supreme Court order against hate speech

There is good reason for the Supreme Court of India to ask the police to be proactive in dealing with hate speech by taking immediate legal action without waiting for a formal complaint. The Court has also warned of contempt action if the police showed any hesitation in compliance. Directed at the police in Delhi, Uttar Pradesh and Uttarakhand, the order is in response to the "unending flow of hate speeches" highlighted in a writ petition before it. The Court has referred to the growing "climate of hate", and taken note of the inaction in most instances, despite the law containing provisions to deal with the phenomenon. It is quite apparent that the governments at the Centre and in some like-minded States do not share the Court's concern for communal harmony, fraternity and tranquillity; in fact, some of them may be contributing to the vitiated atmosphere either by studied

inaction or complicity in allowing provocative speeches in purported religious gatherings by majoritarian elements. Intervention by the highest court has become necessary in the light of some controversial religious leaders getting away lightly after making unacceptable comments, some of them tinged with a genocidal tenor. It is in such a backdrop that the Court has underscored the constitutional values of secularism and fraternity among all religions and social groups.

It was a religious conclave held in Haridwar late last year that set the tone for the 'hate speech' case that is being heard now. Even then, the Court had called for corrective measures, leading to another conclave being prevented by local authorities in Roorkee in Uttarakhand. While the intervention may have halted a few meetings at that time, it cannot be said that such transgressions have ended.

There has been a disconcerting pattern of Hindu festivals becoming an occasion for the conduct of religious processions that end in clashes caused by provocative behaviour. In the name of dealing with the resulting clashes or disturbances, officials have resorted to demolishing the houses of those allegedly involved in the incidents, without following any process of law. Such developments have given rise to new curbs on minorities, such as unwarranted police probes into the

holding of group prayers, and new allegations of purported plots to infiltrate Hindu events. Some television channels have been adding to the bigotry by their manner of functioning. Administrative bias on the one hand and the spread of social prejudice on the other cannot be allowed to vitiate the national mood. Towards that end, the Court must do everything possible to nudge authorities to enforce the law against the propagation of hate.

Source: The Hindu, 24 October, 2022

The world must do better on Covid

Some of the world's top health experts, writing as part of the Lancet Commission in a report released this week, blamed governments the world over for "widespread, global failures" in their response to the Covid-19 pandemic. The report said global leaders needed to face "hard truths" that they failed to adhere to basic norms, rationality, and transparency, and that nations failed to collaborate meaningfully to tackle the emergency.

The report was also particularly damning of the World Health Organization (WHO) for not declaring a public health emergency on time, for faltering to include a warning about the virus's human transmissibility, and for not recognising the airborne spread of the virus in time. On India's handling, it said that variants such as Delta and massive crowd events proved devastating. It also said that based on seropositivity surveys, both the number of infections and deaths in the country were likely to be "vastly higher than what has been officially reported. The criticism was met with quick rebuttals. On Thursday, the WHO said the report contained "several key omissions and misinterpretations" regarding the speed and scope of the

body's actions. Indian officials have maintained that there was no underreporting of Covid-19 deaths.

In underlining some glaring flaws in the pandemic response, the report lays out some key lessons moving forward: Quick and clear global responses are important, vaccine development and scientific progress need to be followed by efforts to ensure equitable access, policymaking must be guided solely by science, and public messaging should be unambiguous and evidence-based. Global bodies should start working on ways to dissuade policymakers from various nations from instinctively hoarding shots and create new pathways so that medicines and shots can flow into poorer, less developed regions of the world and "vaccine nationalism" doesn't blight the battle against another disease in the future. What is important to note is that this is not a moment to apportion blame-after all, the report has the benefit of hindsight, and in the chaos and confusion of the early months of the pandemic, with scientists scrambling to understand the virus, there was little clarity on the right path-but to take lessons and apply them in earnest to the next big health emergency, or the many exigencies that afflict the world today.

Source: Hindustan Times, 15 September, 2022

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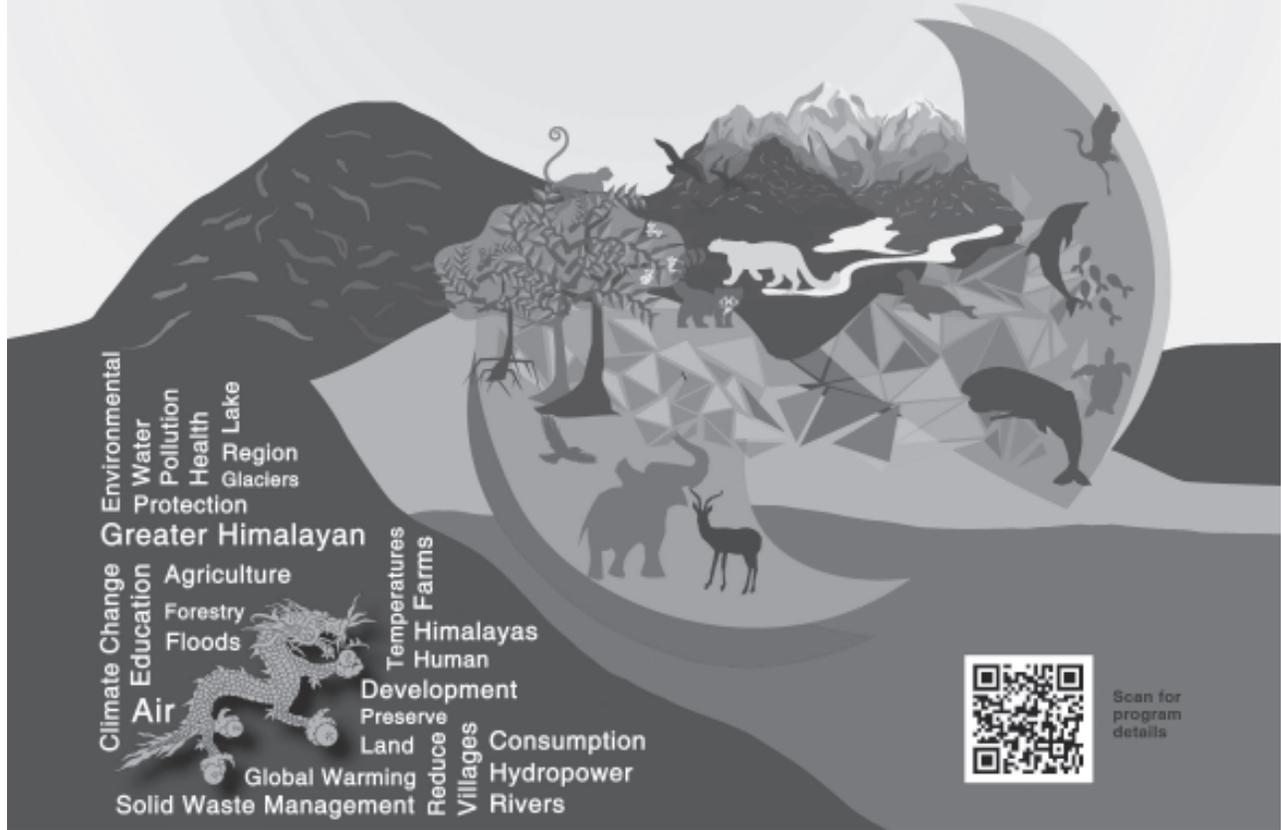
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