News trickling from some states of late should cause concern as to where we are heading as a knowledge society. For, two states (Andhra Pradesh and Punjab) had already announced intention to close down some government schools on the pretext of “enrolment viability”. When in fact many “private schools” had increased their strength during the same period around the same pockets even without getting registered under RTE. Andhra Pradesh Minister even formally announced last week (April 2013) closing down of over 1300 Government schools as if he had taken a welcome decision. They are mostly in Adilabad, Nizamabad, Warangal, Karimnagar districts where the dropout rate is reported as more than 50 percent. The report admits at the same time that families who cannot afford are sending their children to “private schools”. We now even hear of Government’s move to partner with private organizations to open schools. Government had even shortlisted “private corporates” for this partnership to set up 6000 schools akin to Kendriya Vidyalaya.

What is worrying to me is that no one, neither political or civil society leaders or any one from the education field, has said anything about the closing down of the Government schools and the very logic that is being offered for the closure – three years after the landmark Right to Education (RTE) Act. It was Kapil Sibal first, who on becoming HRD Minister a few years ago, told the Los Angeles Times that Indian education sector, he specifically referred to primary education, was open for anyone. On February 17, 2013 HRD Minister Pallam Raju said in Hyderabad that parents admit their children in private schools as they find quality of education there better. He further tried to explain that phenomena and attributed it to “poor infrastructure in government schools as the main reason for preference for private schools”. Going by RTE Act strictly, many private schools in many states should have been close down as either they were not registered or not confirm to the norms prescribed in the Act; This includes Delhi. In some States private school managements are even threatening to ignore provisions in RTE.

Indian state has recognized that primary and secondary education should be a primary concern of the State. And towards that Governments have gone about with budgetary allocations for infrastructure, training teachers and support services. Many improvements have also been made. Today we have more than million Government primary schools. Nevertheless certain core issues continue to haunt – enrolment and dropout, standards in terms of learning outcomes and involvement of parents and local communities in the operation of the schools.

Pratham, an independent outfit crusading for standards in primary and secondary education for more than a couple of years brings out annually a report on the status of Education (ASER). The Report for 2012 indicated that while enrolment into private primary schools increased (by 10 percent in the last 3 years), quality of education has
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MEDIA REVIEW

National Interest: Mere Paas Media hai Shekhar Gupta

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declined in both private and government schools. It projected that by 2018, half of students in the country would be attending private schools even in rural areas. In fact, a former Secretary of School Education in Andhra Pradesh, who is now engaged in pre-primary education in tribal districts, told me a few months ago that at the present rate of decline in enrolment in Government Schools, most Government schools would be without students and teachers in the next decade.

The RTE is expected to promote compulsory free schooling, ensure certain standards in school education and enroll freely 25 percent of students from underprivileged families. The RTE has completed three years in March 2013 and that was the deadline to comply with the RTE implementation. Has it brought any change in the situation for better - with all the increased budgets under RTE? 100 million children are still reported out of school.

Free laptop to students costing Rs.19000/- each was one of the lures offered by Akhilesh Yadav to come to power in Uttar Pradesh a year ago. His Government has now (April 2013) asked primary and junior High School students to bring their own answer sheets from home and teachers were told to write the questions on black board as State Government has not made any budgetary provision for paper affecting more than 1.4 crore students in Uttar Pradesh’s one lakh Government schools. The expenditure involved per child is Rs.25/-. Think of the concerns and priorities of that State Government? (April 22, 2013)

In Andhra Pradesh, the Government has instructed (April 2013) teachers to take special interest to go around the catchment area of school to promote enrolment. Perhaps the Government was encouraged by the proactive initiatives taken by some school teachers in some districts. Despite these Government schools showing impressive pass results in the 10th class, the private schools in the vicinity are mopping up children by luring parents and sending pick up vehicles to door steps even in the interior villages.

In March 2013, I visited 12 primary and secondary schools at random in villages of three districts of Andhra Pradesh (Nalgonda, Khammam and Mahboobnagar). I also visited some private schools. I interacted with vibrant children and enthusiastic teachers taking initiatives in those Government schools. In none of these Government schools enrolment has come down in the last couple of years. Of course, the enrolment of girls is much higher and that children of local “upper strata” are not joining Government schools. But I also noticed aggressive marketing of private schools to mop of children at their door steps. I also saw Government school teachers showcasing how children in their schools are getting better ranks in more numbers, contrary to the general impressions.

That over the years Governments have been yielding to private entrepreneurs at higher levels with engineering and medical education with a “capitation fees” is well known. Seeing the kind of profitable business opportunity many more, particularly political leaders too have entered the field of “education – business”. Today some of them have become legislators and Ministers to the extent of influencing the Government policies in favor of private schools in an all out way even at primary level. Notwithstanding “conflict of interest” aspect, these educational entrepreneurs are getting away without coming under any kind of scanner, blatantly ignoring RTE.

That private schools “extort” fees for different reasons including for “orientation” at the time of admissions going against the provisions of RTE has been in the public knowledge for long. Yet there is no indication that RTE made any difference to such practices in private schools. And, even the fees in private schools continues to be fixed arbitrarily. A draft bill for prohibition of “Unfair Practices in Schools Act 2012” is on the net for public suggestions. The Bill proposes to check donations and capitation fees at the time of admissions in private schools. The bill prohibits any such collections and proposes a penalty of ten times. But there are hardly any example of that so far.
The bill also prohibits advertising by educational entrepreneurs with distorted claims. However, whether this Bill gets through this Parliament is doubtful? If RTE with much fanfare and budgetary allocations could not achieve much, what is this one on “unfair practices” is going to? Two years ago a Deputy Collector of Rangareddy district accused managements of private schools for their lobby to increase school fees without being concerned about overall decline in the standards. At that time I did not grasp the implications of what he said until my recent visits to schools and when I saw a feature film in Telugu recently, “Golkonda High School”. The film was about a real estate mafia trying to grab a school campus in the prime location by defaming the school, its pass rate and achievements. I was reminded of that film when teachers of a school in the midst of a town, told me about efforts to destabilize the school so that school enrolment drops and the “school premises could come under a grab”. Notwithstanding RTE there are calculated efforts from policy level to local administration to denigrate Government schools and give a push to private schools unconcerned of hard ground realities.

Several questions arise:
* In what way “private schools” are better than the “Government Schools”?
* How come Government schools with better infrastructure, trained teachers, no fees/free books, mid-day meal and uniform for students are not viewed better than the private schools without all such facilities?
* Do we have policy with regard to use of English as that is attributed as one reason for the migration to private schools? Should we introduce English from class one as a subject (as Congress party manifesto in Karnataka election suggests)?
* Why parents irrespective of their affordability prefer private schools? Is it because of English or is it for the tie and shoe or is it for the “social status” that some parents send their child to a “convent” school?
* Where and when Government schools are closed, for what should that premises be used?

There are no reliable answers or understanding on these aspects. But it is based on such perceptions that significant decisions are being taken today not only by parents but also by the Governments?

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**E-Governance for All: Initiatives and Challenges Ahead**

Alok Srivastava

To bring down poverty and narrow the inequality in India, the governments at central and state levels have undoubtedly in recent years have taken a lot of initiatives to improve the ‘Reach’ of Governance. Though we feel proud of our diversity but at the same time it is a challenge as well to ensure the reach of government measures to the last person in the row. One of the measures towards improving governance has been constitutional amendments to give more administrative and financial powers to local governments. Initiatives like Right to Information, Right to Services, Right to Employment, Central Vigilance Commission (CVC), Comptroller and Auditor General (CAG) office and Ombudsman Bill (Lokpal Bill) are some prominent measures taken towards improving access to information, strengthen accountability, and reduce political interference in delivery of public services in an efficient and effective manner. Providing Unique Identification Number to each citizen of India is another ongoing measure towards reducing diversion of benefits from real to ghost beneficiaries. The Right to Information Act 2005 is a landmark effort to improve governance and public administration and eliminate corruption. This Act provides all citizens greater access to public documents than was earlier possible. Another important step towards improving public service delivery is through the Right to Services Act, which has been enacted by around 15 out of 28 states. The Act entails service delivery in a time-bound manner and accountability of the service provider in case of delay.

Further, as a measure towards bringing accountability at higher bureaucracy level, Results Framework Documents (RFDs) are developed towards the ‘Performance Monitoring and Evaluation System for Government Departments’. This was approved by the Prime Minister of India in 2009 and applies to all Government departments. There are 62 ministries and departments that would potentially fall under this policy. Currently around 50 Ministries/Departments have prepared a Client/
Citizen’s Charter (CCC) to improve delivery of services and bring accountability. Also noticeable is pro-active roles of CVC and CAG in corruption investigations, which have increased significantly not only at national level but in many states; and several states have appointed Ombudsman to look in to the complaints of corruption. However, in spite of these measures, common citizens continue to suffer from poverty and inequality. One aspect which could be clearly attributed as a reason for both, poverty and inequality, is corruption in governance.

As one of the measures to improve public service delivery and making it reach the unreachable population, one of the intensely encouraged and supported initiatives in the past decade or so by different stakeholders, including government is E-Governance.

**Can E-governance be a Solution?**

One of the reasons cited for prevalence of corruption is – greater the interaction between service providers and users of the services, greater the chances of corruption. E-governance to a large extent is considered to be the way of minimizing corruption in public services by bringing in more transparency in service delivery and lesser interaction between service provider and service seeker.

E-Governance in the popular parlance refers to the governing of a Country/State using Information Communication Technology (ICT). E-governance therefore means the application of ICT to transform the efficiency, effectiveness, transparency and accountability of exchange of information and transaction: between Governments; between Government agencies; between Government and Citizens; and between Government and businesses. The National e-Governance Plan (NeGP) as articulated in the Vision Statement of NeGP (2006) is to, “Make all Government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realise the basic needs of the common man”. HOW is a bigger question?

**Challenges for E-governance in India**

E-governance aims to empower people through giving them access to information and services. However, there are a couple of major challenges in Indian context and may be true and relevant for many developing economies of the world.

* Reach: No doubt for a section of the society, access to computer with internet facility, the online services such as Railway Reservation or filling of Income Tax Returns or paying public utility bills such as telephone/mobile, electricity, life insurance premium has become very comfortable. However, doing a back-of-the-envelope calculation, the situation does not look impressive. As per Census 2011, only 3% of the households have computer with internet connectivity. So the users of online facility even if we include accessing online services from an internet café will not be more than 5 percent in any circumstances. What about rest? So no doubt on one hand, there is a huge scope for telecom companies to expand their business but on the other hand it also indicates that more than 90 percent of the households are using ‘traditional’ method of seeking public services and therefore at the mercy of service providers. Needless to say, ‘online’ cannot come to the rescue of a major proportion of common citizens in near future. The dependence on manual method of service delivery will continue.

* Accessibility or User-friendly Portal/websites: Most of the portals and websites including the most used ones such as, one for railway reservation (IRCTC/indianrail.gov) or for filing the income tax returns, the websites are in English. As per Census 2001, only 12.5 percent of the Indians had identified English as their first or second or even third language (Census 2011 data on this is currently not available). Needless to say, fewer proportions of people can use these online services if they are not in a language they are proficient in or at least have working knowledge. Till this is made possible, the users of services will continue to depend on ‘others’ who could be a middleman. The menace of middlemen thus continues.

* Cumbersome: Online services cannot always be easy to avail if not made user friendly. As I have personally experienced in case of Passport services. For online submission of application for passport services, in my case for renewal of passport, it is mandatory to take online appointment before visiting the designated Passport Seva Kendra (PSK) to go through the process for giving biometric details (finger prints, IRIS) and submit required documents. However, the biggest problem is to get an appointment itself. The website window for online appointment opens only at 6 pm from...
Monday to Thursday and then on Sunday and within seconds, the appointment schedule gets full. This was not only in my case but similar experience was shared by few others as well including senior government officials. I kept trying almost 15-20 times spread over a period of 45 days from filling of application to get an appointment by following the online procedure, before I could get the appointment. This is not at all user friendly. Rather they should give some tentative dates, when time slots are available or allot a wait list number to each candidate in order of submission of application form, so that one does not have to keep trying to get an appointment to visit PSK.

* Mechanical Approach to Poor’s Need:
Another aspect, which is often felt, is that the online services lack human touch, which is otherwise available in non-computerised service centres. Online services have a fixed time for delivery of services. All services do not have emergency option and therefore it delays delivery of required service which otherwise might have been availed in a lesser time during direct interaction with service providers. As Jennifer Bussell in her book Corruption and Reform in India, Public Services in the Digital Age, Cambridge University Press (2012) suggests, “the government has imposed minimum and maximum wait times for a service. The survey findings showed that the most important factor influencing the respondents’ level of satisfaction, at 36 percent, is the amount of time required to get the service”. It will be therefore important for government to look for ways to address this challenge. One way could be regular amendments in delivery time of a service rather than sticking to the same time period of minimum and maximum delivery time.

* Hacking of services is another major challenge, particularly for service providers. This is more to do with back-end efficiency unlike the first two, which are more to do with front-end usage. With increase in number of users, the concern with the online services is its capacity to handle the demand. Besides the slowing down of the web-based services, the updating of information at regular intervals is also noticeably missing on websites. For instance, e-procurement and e-tender are no doubt good tools towards transparent system. But in financial transactions, the hacking of personal confidential information is also a major concern for most of the online service users. The National Crime Records Bureau (NCRB) report- Crime in India 2011 - has thrown light on how the nation has fared, as far as cyber crimes go. According to the report, the number of cases that were registered in 2011 under the nation’s Information Technology Act was 1,791 - a considerable rise of 85 percent from the 966 cases registered in 2010. The quick redressal and strong anti-hacking measures needs to be taken vigorously to dissuade the fear among users as much as possible for increasing the usage of online services.

Undoubtedly, as N. Bhaskara Rao in his book Good Governance: Delivering Corruption-free Public Services, Sage Publication (2012) has mentioned that with mobility and migration of people on an increase, both Aadhaar and the biometric methods are of significance. At the same time these e-governance initiatives has lot of challenges to address before reaching the unreached. This may take time but not at all unfeasible. In fact, it is expected that e-governance measures should be a user-friendly interface such as have multi-linguistic web portals and easy to use for a person with basic knowledge of computer operations. This if ensured will play an important role in addressing the issue of exclusion and thereby reducing inequality as far as reach of public services is concerned.

**Innovative tech is needed in e-governance**

Mahadeo P Jaiswal

E-governance equals good governance for the citizens of a country. The scale and ambition of the National e-Governance Plan (NeGP) is impressive. Some important projects that are at various stages of implementation include Passport Seva, India Post, Income tax services, ESIC, setting up of 2,50,000 common service centres (CSC) across 600,000 and more villages; the National Population Register (NPR) and the Unique Identification (UID) project. A state wide area network (SWAN) and state data centres (SDCs) are being set up to support the implementation of these and other projects. The government has also initiated ‘GI Cloud’ initiative to keep the pace with technological advancements.

However the challenge of provisioning an infrastructure that is robust and scalable enough to handle these projects is daunting to say the least.
In fact, according to independent and government appointed review committees, most e-governance projects has either been delayed or derailed, barring a few successful implementations like the ministry of corporate affairs’ e-governance initiative MCA-21.

One of the main reasons for these setbacks is the adoption of obsolete technologies that offer no flexibility for upgrade especially in light of the fact that the entire government procurement process takes anywhere between three to seven years. At present, the government strategy is to invest in hardware and software from multiple vendors. Integrating disparate components and maintaining them to yield the desired results is a time consuming process.

Private enterprises today are realising the benefits of integrated or pre-engineered and configured systems—which come pre-configured with hardware and software like that offered by Oracle and other cloud based solution providers. According to research firm Gartner, by 2015, 35% of total server shipped value will be as integrated systems. Vendors often standardize components in their engineered systems to reduce risk and automate maintenance tasks. Because of this reason, engineered systems are faster and give superior performance. For example, engineered systems are enabling cloud and streamline data center operations to make traditional deployments more efficient. These engineered systems like Exadata and Exalogic are scalable, secure, and redundant, and is an ideal platform for ambitious initiatives like consolidation of databases across various e-governance projects.

In my opinion, governments should focus primarily on the outcome of e-governance projects, rather than getting drawn into selecting the specific technology involved. In other words, the government should frame key performance indicators (KPIs) and metrics for the project. The decision on technology to be deployed should be left to the technology provider, who may be obligated to choose the best and the latest technology that can help meet or exceed the project KPIs defined by the government. It also allows the deployment of cutting-edge technologies that are seeing rapid deployments in rest of the world.

I find it ironic that even when dealing with something as dynamic as technology, there is not enough weightage to technological innovation during evaluation in procurement process. This is to be blamed on government requirement of ‘reference’ solutions—a seemingly innocuous requirement that actually ends up as a major roadblock to using cutting-edge technology. On the other hand, innovation must actually be right on the top of agenda and one of the success factors for any e-governance project. When I talk about innovation, it will most likely not have a precedent, may not come at the lowest cost. Naturally, a pursuit of innovation calls for a paradigm shift in the government’s mindset as it would need to look at and evolve innovation right in the procurement process. In addition, government should focus on seamless interoperability of process and data across e-governance applications and between departments at national, state and local level; and ensure optimum utilisation of common infrastructure. Use of open standards to avoid technology lock-ins and the security of critical and sensitive government data are other dominant concerns for governmental decision making.

Making public services conveniently accessible to over 1.2 billion people in India spread across a vast geography is not an easy task, but is nonetheless vital for India’s continued growth. The success of e-governance initiatives is pegged on the timely implementation and smooth running. Technology is not a constant and it is important that policy guidelines and framework give scope for deployment of innovative IT infrastructure, like engineered systems that can easily scale and adapt to the changing governance and public needs.

*Courtesy: For full version see Financial Express (08 April 2013)*
Lady and gentlemen, how do we measure up in terms of governance after 66 years of our independence? There is little doubt that we have made great strides in almost all major areas of development.

From 3.5 per cent growth rate per annum during the First Five-Year Plan period, we achieved eight per cent per annum during the Eleventh Five-Year Plan period. The Green Revolution in the 1960s made our country self-sufficient in food grains. We have also reduced the incidence of poverty. Today, India is the third-largest economy in the world in terms of purchasing power parity. We can certainly be proud of these achievements. But it is equally true that much more remains to be done. The challenges to our governance systems are reflected in some important international analyses that are mainly dependent on the social index. India’s ranking in key governance indicators like voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of corruption are lower than countries such as Brazil, France, Germany, Italy, Japan, the UK and the US. We are at the crossroads of transformation and cannot afford to lose the momentum of change. There are several challenges we face and we should face them with determination and conviction. And, at the root of them is the issue of governance.

We have achieved remarkable progress in several of the grids that constitute good governance. In some, our achievements have been greater than others. There is still immense scope to better our participatory decision-making structure, improve the application of rule of law, enhance transparency, increase accountability, promote greater equity and inclusiveness and improve consensus based approach. For the sake of brevity, I will elaborate on some of the few grids. The incidence of poverty is still around 30 per cent and it is not something that we can live with. Statistics of economic progress will count for nothing if we are not able to uplift the marginalised sections of the society. Our growth, therefore, must have to be inclusive and sustainable.

Inclusiveness calls for equity in access to basic needs like education and health care. Our efforts should be directed at making the entire population literate. I am confident that the flagship schemes in the education sector, such as Sarva Shiksha Abhiyan, the Midday Meal Scheme and Rashtriya Madhyamik Shiksha Abhiyan would be addressing many of our problems.

Affordable health care should be our priority. Many people in this country are forced into poverty owing to high costs of medical treatment. It is gratifying to note that building on the success of the National Rural Health Mission, a new national health mission combining the rural mission, and a new urban mission is being envisaged with a Budget outlay of over Rs 21,000 crore in 2013-14. A healthy population holds the potential to make greater contribution to nation-building.

Another important aspect in changing our development paradigm is to be noticed today. The new terminology is empowerment through entitlement, which is backed by legal enactments. We have adopted a rights-based approach to our development process. The Rights to Education, Employment and Food Security are the core of this development strategy. I wish this development strategy should be implemented fully.

To help empower our marginalised sections, we gave them the right to employment and education. We piloted legislations such as the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and the Right to Education Act, 2009. The process of enacting a law to provide food security to people is also in the process of completion. The Aadhaar project, would provide every resident with a unique identification number. It would help our citizens, especially the poor and needy, to easily access several benefits and services more efficiently. The Direct Benefit Transfer scheme, launched in January, too, would leverage the Aadhaar system helping the achievement of greater transparency and reduction in transaction costs.

Our delivery systems need mending and only good governance can provide an answer to the problem. If what is meant for the poor does not reach them in the proportion it is meant to, then corruption and inefficiency are its two main causes.

Corruption is a threat to the democratic fabric of our country. It would frustrate the efforts to bring equity to all its citizens. I am happy to note that in the recent past, several steps have been taken to reaffirm our commitment to bringing more transparency in governance. Some of the steps...

At the root of poor governance is our lethargy for change, whether it is in the implementation of schemes or adherence to values. I do not have to remind you how grievously hurt the nation was when a young woman, the symbol of an aspiring nation, lost her life in the brutal assault in India in December last year. As I had said earlier, I repeat and I do believe that it is time to reset our moral compass. The police and investigative organisations can play a crucial role in creating conditions that could engender societal changes. An alert police force and investigative agency can ensure that no crime goes unpunished. It is important to ensure speedy and thorough investigation of allegations. The prosecution should also be speedy so that the guilty are punished without delay. This would enhance the deterrent value of punishment. It would improve responsiveness, one of the most important features of good governance.

_Courtesy: Business Standard (07 April 2013)_

**Lessons in good governance from former ‘Bimaru’ states, India’s new growth engines**  
**Strong CMs = High Growth**  

_Swaminathan S Anklesaria Aiyar_

Bihar, Odisha, Chhattisgarh and Madhya Pradesh, once derisively called Bimaru states, have suddenly started growing much faster than the national average. They have followed widely divergent paths to success, which need elucidation. In 2011-12, national GDP growth was 6.21%. But Bihar (13.26%), Madhya Pradesh (11.81%), Jharkhand (8.92%) and even Uttar Pradesh (6.86%) fared better than the national average. Odisha (4.92%) lagged behind, but this was a one-time departure from an average of 8% in the last decade. Provisional data for 2012-13 are no more than projections, but they once again show most backward states growing faster than the national average of 5%.

**Graft Out, Growth In**

Odisha chief minister Naveen Patnaik has won three successive elections. In 2000, Odisha had the biggest fiscal deficit and debt: GDP ratio among all states. Today, it has become a revenue-surplus state and, amazingly, so have almost all the once-backward states. Fast state-level growth has generated a revenue bonanza, over and above which fast national growth has hugely increased the states’ share of central revenue (poor states benefit disproportionately from such transfers).

Odisha always had minerals, but was held back by the licence-permit raj and high corruption. Politicians sought to get re-elected through patronage networks and wooing vote banks, not economic development.

Patnaik transformed this by weeding out corruption and focusing on development. He has sacked more than 20 ministers for corruption in the last decade, and quashed revolts from those sacked. Despite many big projects - Posco’s steel plant and Vedanta’s aluminium smelter - getting hamstrung by tribal agitations, Odisha has averaged 8% growth for a decade.

**End for Gangsters**

In Bihar, Nitish Kumar focused first on restoring public order and ending endemic gangsterism that had flourished under his predecessor. Through imaginative use of the Arms Act, he quickly tried and jailed over 50,000 gangsters. This hugely encouraged economic activity earlier held back by fear of gangsters. Kumar also built roads and bridges that were in terrible shape. No theory of Marx or the World Bank said that double-digit growth could be generated in a state with hardly any electricity, simply by improving law and order and building roads. Kumar has driven home the key importance of these. He has followed up by focusing on primary education and primary health. The state historically was at the very bottom of most social indicators. But in the decade 2001-11, its literacy rate improved 16.8 percentage points and female literacy improved a whopping 20 points, perhaps the best anywhere in the world. Infant mortality in Bihar used to be among the highest in India, but by 2012, had fallen enough to equal the national average of 44 per 1,000.
In Madhya Pradesh, Shivraj Singh Chouhan initially struggled to accelerate economic growth, but hit double digits last year and again this year. Arguably, his biggest success has been in agriculture. The Food Corporation of India was reluctant to procure paddy and wheat in poor states without a history of food surpluses. Hence, prices there often slumped below the government’s minimum price, discouraging farm investment and production. Chouhan decided to build the rural infrastructure required for a local wheat procurement effort. The result: he procured a spectacular 7.5 million tonnes of wheat in 2012, as much as Punjab used to in early Green Revolution years. It’s another matter that he has failed to create storage facilities, so much grain will rot. He has shown that poor states must stop blaming the central government for neglect and, instead, invest massively themselves in the infrastructural support - rural roads, organised mandis and procurement agencies - needed for a major procurement effort.

**Growth Despite Maoists**

Chhattisgarh has learned from him, and is now procuring paddy in a big way. Ironically, rice from Odisha is finding its way into Chhattisgarh for procurement, a rebuke to Naveen Patnaik for neglecting this area.

Even more impressive, chief minister Raman Singh has shown it is possible to generate double-digit GDP growth in a state with the worst Maoist terrorism. His Salwa Judum, an anti-Maoist militia, has been widely denounced for civil rights violations, but he has definitely curbed Maoism.

He has sparked a huge expansion in steel, aluminium and power production, making this backward state an industrial giant. Over and above that, he has greatly improved public services: his public distribution system and public health system have been widely praised even by those that condemn Salwa Judum. In sum, these four once-backward states have taken four very different paths to fast growth and prosperity. The success of each state holds lessons for others, and there is much scope for mutual learning.

**Plan Panel suggests ways to bring more Transparency in Governance**

Deepshikha Sikarwar

The government may not agree but Yojana Bhawan, the seat of economic planning in the country, has taken note of the lack of transparency in the institutional structure that’s breeding corruption and crony capitalism.

The Planning Commission has for the first time raised governance issues and offered solutions in its approach paper to the 12th plan that will be taken up for approval by the full Plan panel headed by Prime Minister Manmohan Singh on Saturday.

“How do you bring more transparency in governance...There’s a problem of transparency...Institutional structures need reforms to ensure that delivery improves,” said a government official privy to the 12th Plan document.

In recent times, a series of allegations of corruption have jolted the government, paralysing the bureaucracy and holding up reforms. Even before one could forget the 2G scandal, allegations of corruption in coal block allocations have pushed the government to the back foot. Corruption actually hurts delivery as gaps in the system prevent the benefits of the social sector programmes reaching the target people, thereby negating the very purpose of the schemes, said the official. Large-scale pilferage and diversion in the public distribution system are a case in point. About 29 lakh fake ration cards were seized in Maharashtra alone, while an estimated 15 lakh fake cards are in circulation in Tamil Nadu. The 12th plan blueprint makes a break from the past as it attempts to identify fundamental issues plaguing delivery systems.
From transparency to accountability

Nikhil Dey & Anjali Bhardwaj

With the Union cabinet having approved the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 (hereafter referred to as the GR bill), Parliament has an opportunity to enact a law that would give citizens a way in which to hold government functionaries accountable. An effective GR act has the potential to transform the relationship between an ordinary Indian and the bureaucracy. It builds on the transparency regime of the RTI by encouraging citizens to use information to enforce accountability.

We have no shortage of innovations in law, but our constant refrain is that we are unable to implement them. Beginning with the RTI Act, 2005, India has enacted a slew of rights-based legislations: NREGA, the Forest Rights Act and the RTE Act. In many states, there are public service guarantee acts that convert the delivery of every notified public service into an entitlement. The only law that has some effective redress mechanism built into it is the RTI, and we must learn lessons from it. The GR bill should provide every person the right to make a complaint and create an architecture for them to receive a time-bound written reply. Failure to do so should, like the RTI law, attract a penalty to be paid for the concerned officer’s pocket. What makes this bill an important complement to the public service delivery bills of the states is its potential to hold both the implementing functionary and the supervisory structure accountable.

THE GRIEVANCE redress bill should provide every person the right to make a complaint and create an architecture for them to receive a time-bound written reply. Failure to do so should, like the RTI law, attract a penalty to be paid for the concerned officer’s pocket. What makes this bill an important complement to the public service delivery bills of the states is its potential to hold both the implementing functionary and the supervisory structure accountable.

PIO in the RTI Act, the GRO here should be made accountable to the people.

The lack of an effective mechanism to deal with everyday grievances characterises the functioning of almost all government departments. The basic mechanisms to engage with the system have not been put in place: an acknowledgement of the petition or complaint mandated through a dated receipt; a participatory process of inquiry; a time-bound reasoned reply through a “speaking order”; and an independent appellate authority at the district or sub-district level who can impose penalties and award compensation for non-compliance.

The introduction of the bill in Parliament in December 2011 was a welcome step in trying to create this architecture. However, the bill had several lacunae that needed to be addressed. It was referred to the parliamentary standing committee, which made several useful recommendations in its report to Parliament in August 2012. The bill has now been approved by the cabinet. Some critical provisions must be included in any GR legislation to ensure that the mechanism has the institutional capacity to effectively receive, inquire into and redress any complaints relating to deficiencies in the functioning of government.

First, the legislation must mandate each public authority to develop a citizens’ charter enumerating all the services, goods and obligations of the public authority along with relevant timelines, norms and standards. All the obligations of the public authority under any law, policy, programme, order or scheme, should be comprehensively stated in the charter. The charter must be developed in a participatory manner and must be periodically updated. The obligations of proactive disclosure under Section 4 of the RTI Act should be used as a means to build the larger ecosystem of responsibilities by enumerating the job chart of each functionary so...
that responsibility can be fixed. Any violation of the obligations as outlined through proactive disclosure, the citizens’ charter or job charts should constitute a grievance under the law.

Second, in a country like India, it is critical that the GR law provide a decentralised system for receiving and dealing with complaints close to people’s place of residence. Every public authority/office should have a supervisor designated as the GRO at the panchayat and municipal ward levels to receive and dispose of complaints in a specified timeframe. This mechanism is invoked after the failure of a system to perform its regular function. The GRO should have adequate authority to ensure that the deficiency is redressed in a reasonable timeframe and responsibility is fixed. If the GRO does not redress the grievance within 15 days, the complaint should automatically be escalated to the head of the department (HoD) at the district level, while making the GRO responsible for not carrying out the obligations of the act.

Third, there are millions of people who are denied their basic entitlements but find it difficult to make a complaint. Many are ill-equipped to draft a written application, and do not find themselves empowered enough to walk into a department and file a complaint against an official of the same department. In order to facilitate registration, follow-up and tracking of grievances, the legislation must provide for single-window information and facilitation centres at the most decentralised level in rural and urban areas. Grievances could be received in multiple ways and for each complaint, a dated receipt must be issued. The bill must provide for a right to a time-bound open hearing for individual and collective complaints, preferably on a designated day, to facilitate peoples’ participation in the hearing. These are not just theoretical ideas — some have been put to use with great success in the context of Rajasthan’s Right to Hearing Act.

Fourth, it is essential that the bill provide for an independent authority at the district level with powers to penalise HoDs, GROs and other erring officials and also order compensation to the complainant. This is something that the DoPT has already promised to incorporate in the law through a press note issued soon after the bill was introduced in Parliament. Appeals against the decision of the district-level designated authority must lie with the state/ Central GR commission. If the penalty and compensation provisions are not strong, the bill will be rendered ineffective. The commissions should also have powers to give directions, where appropriate, about systemic changes that may have to be made to prevent the recurrence of grievances.

It would be a shame if this bill is sacrificed at the altar of federalism. Many grievances that affect the common person are in state government agencies and departments. It would be meaningless to create a GR mechanism that leaves out the majority of Indians, especially those most in need of its intervention. This legislation will serve as a complement to the public service delivery acts passed by the states. The Concurrent List of the Constitution authorises both the Centre and the states to legislate on “actionable wrongs”, which is essentially what grievances are. The concerns of those worried about Central interference in state policy could be addressed by making sure that the state commissions are, as in the RTI Act, appointed at the state level and not subordinate to Central commissions. Appeals against the orders of state commissions could go to the high courts. Also, disciplinary action could be a parallel process available exclusively to the department and the state government.

If the bulk of the funding for this legislation comes from the Central government, every Indian could have access to a real platform for democratic accountability without interfering in the domain of the state governments. Just 1 per cent of the expenditure on flagship programmes could help fund the entire framework. Imagine the loss to India and our citizens had the national RTI Act not applied to the states as well. RTI 2.0 must give all Indians a chance not just to seek answers, but make officials accountable to the people. An effective grievance redress legislation would significantly reduce arbitrariness and corruption and give people better access to their entitlements.

*Courtesy: The Indian Express (13 March 2013)*
Govt plans e-drive to curb corruption in public services

Saubhadra Chatterji

Keen to curb corruption in government offices, the Centre is making an ambitious move to transfer many public services, such as driving license or construction permits, to electronic format within 10 years. The idea is to reduce the direct interface between officials and customers to choke avenues of bribes and at the same time save people’s time and money.

A proposal to overhaul the Electronics Delivery of Services Bill will be considered by the Union cabinet on Monday. The bill stipulates that if there is persistent delay in e-services, officials of the concerned department would be penalised up to Rs.20,000. Also—under the proposed amendment—if a government department has outsourced its services, the private vendors too, would bear the liability of failure in delivery.

Two of most popular services, passport application and e-tickets of the railways, have the involvement of private IT companies for back-end operations. While the poor will not have to pay any additional fee for the e-services, such as online application in education institutions, the new bill will also ensure that differently-abled persons would also be assisted by the public authorities in accessing the e-facilities.

The current version of the bill allowed departments to exclude—on its own—services from the e-platform if they are not capable of being delivered electronically.

**E-grievance services hit**

Naziya Alvi Rahman

Public Grievance Commission’s highly publicized facility to register “complaints online” has hit a hurdle even before celebrating its first anniversary - its webpage has been non-functional for close to a month now. Clicks on the two most crucial services - lodge complaint and complaint status - have been opening two windows, ‘temporarily down’ and ‘unknown error’, since the first week of March.

Sources in the Delhi government said the webpage, launched in March 2012, had been suspended after repeated complaints of the page not responding to the browsers like Chrome or Firefox. They also said upgrading would take a few weeks. “Since its inception, we had been getting complaints that the webpage would only open in a particular browser. There were several other complaints against the webpage because of which we decided to upgrade it,” said a senior officer. The commission is likely to hold a meeting with the information and technology department and Intelligent Communication System Limited (ICSL). The two firms are involved in creating and maintaining the website. However, a senior officer said they continued to receive complaints via email at.

**Rural folks driving own eco with self-sustaining models**

Rupali Mukherjee

Indian villages are powering their own economy, but contrary to conventional belief, it’s not government largesses which are the drivers, but their own self-sustaining models. Growth at the bottom of the pyramid is at unprecedented level, and the transformation is stark.

The factors driving this transformation are dramatic improvements in rural roads, electrification, cell phones and water supply which are raising wages and increasing job opportunities for thousands living in villages. This, in turn, is fuelling demand for consumer goods, and for those companies which have a strong rural push.

Case studies from field trips and research undertaken by Credit Suisse show that the growth in productivity is becoming sustainable as jobs in manufacturing drive services jobs in transportation and trade, enabled by mobile phones and roads.

Research over the last couple of years by independent sources has confirmed that use of cell phones benefited a diverse set of people—from fishermen to sari weavers. Most of the studies
focused on price discovery in agriculture or on skilled artisans improving customer service or price realizations. D K Joshi, chief economist at Crisil, says, “Overall, there has been a definite improvement in the rural economy. Villages have become self-sustaining, providing a big push in manufacturing jobs. Roads are increasing demand for vehicles, while cell phones trigger more goods and services. However, a lot more is required; the success stories need to be replicated in many areas.”

Access to roads is helping landless people raise poultry (chicken) within limited floor space and sell their produce in nearby towns. In fact, poultry farming created 3.8 million jobs between 2005 and 2010: the 950 million person days of work thus created every year is the same as that by the government’s NREGA in the same period. Road access significantly improves land prices, labour mobility, wages and alternative employment avenues, the study says. For example, production of mannequins has moved from Ulhasnagar outside Mumbai to villages in Rajasthan, while other examples like pottery (Orissa), saris (West Bengal), furniture (Himachal Pradesh), are all potential jobs difficult to carry out in remote villages previously, but are now made easy by road connectivity.

The Credit Suisse study found a strong correlation between per-capita output and road networks (represented by vehicle penetration) both within and across states. Since about 80% of the country’s rural households own less than two acres of land, they are therefore wage dependent.

Analysts point out that this wage growth is largely productivity-driven (and therefore sustainable to a large extent), providing a floor to India’s cratering economic growth, and even in the absence of major infrastructure projects taking off, there are substantial changes in basic infrastructure that are taking place in areas other than big cities.

Over the last five years, rural wages have increased at an unprecedented 20% CAGR, with land prices appreciating sharply as well. Both have ended up putting more money in the hands of people, and generating purchasing power, experts say. Fast-moving consumer goods companies are enthused with the strong rural demand as it augments their sales. In some cases like Emami with products, offered in 30 lakhs rural outlets, including Navratna Oil, Fair and Handsome cream, Zandu Balm, BoroPlus cream, has nearly 50% of sales in some categories coming from rural markets.

Another company, ITC has been able to tap the rural segment through its e-choupal network. Says an ITC executive: “The divide between urban and rural markets has narrowed down and hence we have expanded our basket of offerings in rural India. Given the vast reach, ITC has devised mobility solutions for monitoring progress and instant information dissemination”.

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Indian Planning: Ending an Era

Yoginder K. Alagh

The 12th Plan’s message should have been more investment in agricultural diversification, supply chain infrastructure and skill development

A ny tract on Indian planning begins with Jawaharlal Nehru. A core of interrelated economic ideas underlay his economic thinking. Modern technology for development was one of the few economic choices he made. For Nehru, “the economy that bases (itself) on the latest technical achievements of the day must necessarily be the dominating one”. Concern for national self-sufficiency led Nehru to focus on industrialization to avoid being drawn into what he called economic imperialism.

Most recent critiques of Nehru’s planning—Montek Singh Ahluwalia’s Tarlok Singh lecture or Manmohan Singh’s JRD Tata Lecture—don’t deal with his arguments. In the mid 1950s, we got the Mahalanobis Plan. It was a logical exercise and was used by many to feather their nests. By almost a religious commitment, a third of the investment was to go into capital goods. Even a decade-and-a-half later, my teachers at home and abroad were fascinated. The causal chain algebra was the opiate. Consumer goods could not be traded to buy machines and wages were not to be spent. I revered the professor for his statistics, inter-penetrating network sampling and the National Sample Survey, but how would people eat? Ashok Rudra showed that if people started eating and consuming, the model will lead to inflation. I found that even in the version where the state taxed savagely there was not enough food.

In my first stint in the Planning Commission in the mid 1970s, heading its all-powerful perspective focused on price discovery in agriculture or on skilled artisans improving customer service or price realizations. D K Joshi, chief economist at Crisil, says, “Overall, there has been a definite improvement in the rural economy. Villages have become self-sustaining, providing a big push in manufacturing jobs. Roads are increasing demand for vehicles, while cell phones trigger more goods and services. However, a lot more is required; the success stories need to be replicated in many areas.”

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planning division, I was mandated to build a plan for food self-reliance. We did it with zeal. The original green revolution of the late 1960s had petered out and we did the work which earlier plans had ignored. We looked into the conditions under which the farmer in Haryana, Andhra and Bihar grew grain and built it into our plan models. Those models succeeded and Indira Gandhi never had to beg for grain again. Her critics often forget that the money she put into agriculture—for completing irrigation projects, groundwater and seeds—is unsurpassed in real terms in the last century. She listened to the planners even if the finance ministry and development institutions stood in opposition. The 1970s also saw the first oil shock. India was the first country to come out of the energy crisis and finance minister C. Subramaniam used the deliciously Indian double negative, a negative rate of inflation, rather than saying that prices were falling to describe it all. What was wrong with all this? It was left to I.G. Patel, the former Reserve Bank governor, to tell me over masala chai and bhajia at our frequent meetings that the problem was our lack of a strategic plan for our import substitution and export promotion-led growth model.

He was disturbed that we ignored the Japanese ministry of international trade and industry’s experiments, since the East Asian Tigers were then still cubs. The gap between plans and implementation, which would have used markets as a part of strategic policy, was big and growing. He was right and today I accept I was wrong in my feeling that the Japanese were an appendage to imperialism.

In the late 1980s, Rajiv Gandhi sent me to South Korea, where I met the architect of their reforms and the then governor of their central bank. I asked him how to manage comparative advantage in global trade. He said South Korea did what it wanted to do, but did it well. “If we followed comparative advantage and World Bank advice, we would never plan steel, shipbuilding and heavy machinery.” In their quest to overtake Japan, South Korea had actually followed Mahalanobis, but export promotion and import substitution were two sides of the same coin.

By the end of 1980s, reforms had begun in India and as Raja Chelliah showed, two-thirds of the industry was decontrolled from firm-level price and output controls. The road map was outlined by the Narasimham Committee. It emphasized domestic reforms and preparing Indian industry for global competition. Tariff reform was harmonized so that in a partially liberalizing global economy, efficient Indian industries do not suffer from “negative protection”. Rajiv Gandhi, in a very powerful speech in 1989 on the draft Eighth Plan outlined this harmonization of reform with a strategic plan.

The Eleventh Plan saw the revival of agricultural planning with Abhijit Sen building the Rashtriya Krishi Vikas Yojana (RKVY), which revived the concept of agro-climatic planning, which Rajiv Gandhi and I had sought. While the economists working with P.V. Narasimha Rao had put it in moth balls, the first United Progressive Alliance (UPA) government oversaw the revival of agriculture as a planning effort, with the growth rate reviving. But today RKVY is crippled for funds.

Ahluwalia, in his Tarlok Singh lecture, is unnecessarily severe in saying that in the 1980s, policy was out of the plan. I think the attack on planning came from elsewhere. C. Rangarajan’s 12th Finance Commission abolished the Gadgil-Mukherjee Formula for assistance to the states and federal grants became a dispensation by the bureaucracy. In another report, Rangarajan argued that the plans should be finalized by the finance ministry with the subject ministry and not the Planning Commission.

Now we have a 12th Plan which is a non-readable, preachy document with little operational detail. It also underestimates the urban shift in its models on account of ignoring the 2011 census results on census towns in their projections.

The Plan has failed to set the strategic framework for the 2013 budget, which has led to a savaging of allocations in the 2012-13 revised figures and in 2013-14. The Economic Survey’s rehash of the demographic dividend doesn’t excite much.

Though it begins by quoting Joseph Stiglitz, the budget increases public capital formation by 12% (say, 5% in real terms), which will play no role in kick-starting a virtuous cycle of investment. The Plan’s message should have been more investment in agricultural diversification, supply chain infrastructure and skill development, but with plan expenditure drastically cut in 2012 and 2013, all this is for the future. Meanwhile, enjoy your hard landing until a new government is sworn in.

Courtesy: Live Mint (15 March 2013)
Recommendations made to ensure transparency in governance

‘Old habits die hard’, says SIC report on several Govt deptts’ response to RTI Act

Mohinder Verma

“Old habits die hard”-are the remarks of Jammu and Kashmir State Information Commission to describe the response it has received from several Government departments and organizations regarding the strict implementation of the Right to Information Act and upholding the principle of accountability at every level of hierarchy.

These remarks have been made in SIC’s annual report for 2009-10, 2010-11 and 2011-12 years tabled by Minister for Finance, Abdul Rahim Rather on behalf of Chief Minister, Omar Abdullah in the Legislative Assembly today. Despite repeated and numerous communications of the Information Commission to the State Government the First Appellate Authorities have remained insensitive towards discharging the statutory duties cast upon them as per the Jammu and Kashmir Right to Information Act, the report said.

“The compliance at the level of First Appellate Authorities is still wanting and most of the FAAs are not yet sensitive towards discharging the statutory duties cast upon them to adjudicate First Appeals”, the Commission has observed with concern, adding “if the compliance level of FAAs increases the intervention of the Commission will diminish and help the administration to concentrate on their duties”.

As the aim and objective of the RTI Act is to ensure accountability and transparency in the working of the public authorities and the provisions of the Act entail personal and individual liability, the Commission invited the attention of the Government towards the fact that the functionaries in the public authorities more often than not ignore authenticating their signatures by not mentioning their names in the official correspondence.

Although repeated instructions were issued by the Government stipulating that these instructions would suo-moto apply to all correspondence made in the RTI matters, the public authorities have not mend their ways, the report said and termed this attitude as “old habits die hard”. “Serious efforts need to be made to secure compliance to the Government instructions in order to uphold the principle of accountability at every level of hierarchy”, the Commission said in the report.

Pointing towards Section 22 of the Act which provides that each department should collect and provide information to the Commission about the number of requests made to each public authority, the number of decisions where applicants were not entitled to access to the documents, number of appeals referred to Commission for review and particulars of any disciplinary action taken against any officer, the report said, “the process of submission of quarterly/annual returns by the public authorities/line departments to their respective administrative departments and thereafter by the administrative department to the Commission has not fully been put in place which in a way has hampered preparation of annual report by the Commission”.

“While some departments—Finance, CAPD, Housing and Urban Development, Social Welfare, Law and Parliamentary Affairs, GAD, Agriculture and Cooperative have adopted the practice of sending the returns in the desired manner the majority of the departments are yet to show a similar response”, the report said.

About the compliance of the provisions of Section 4(1)(b), which makes it mandatory for all the departments and organizations to launch websites and host desired information for the information of the general public, the report said, “though the steps taken by the General Administration Department have in some measure helped emphasis upon the public authorities the importance of meeting the statutory obligations of this Section, which is very soul of transparency law and promoting suo-moto disclosure of information by the public authorities, majority of the departments/organizations are yet to launch websites and host desired information”.

According to the report, against total of 36 administrative departments, 26 have opened websites while as against 211 subordinate departments/HODs only 88 have opened website. During the year 2009-10, a total of 741 RTI requests were received by public authorities while as this figure increased to 3110 in 2010-11 and 12136 in 2011-12. The percentage of rejection of requests under different provisions of the Act was 9% in 2009-10, 4% in 2010-11 and 1.37% in 2011-12. The Commission received 13 complaints/2nd
appeals in 2009-10, 24 in 2010-11 and 974 in 2011-12. During 2010-11 the Commission decided three complaints/2nd appeals while as in 2011-12 a total of 589 complaints and appeals were decided.

The Commission invoked punitive provisions of law as contained in Section 17 of the Act in a number of cases to uphold the Right to Information and ensure implementation of the Act in letter and spirit by taking some coercive steps in extreme default cases. “Till March 2012 penalty was imposed in five cases by varying amounts”, the report said, adding “four of the affected officers have filed review petitions with one of them also filed a writ petition in the High Court against penalty order which is sub-judice”.

The Commission has recommended that as a part of administrative reforms, the State Government must consider initiating the process of computerization in all its institutions and take appropriate practicable measures to accelerate the process of computerized management information systems by all public authorities in the State.

It has further suggested that every Administrative Department should collect at its own level quarterly/annual return (progress report) in relation to the public authorities within their jurisdiction and furnish the same in a consolidated form to the Commission at the end of each quarter/each financial year. “The State Government must tap all forms of mass media for undertaking an extensive public awareness programme to educate the people about their right to information”, the report said, adding “instructions must be passed to all District Development Commissionerers to supervise/monitor the implementation of Act within their respective districts”.

“The officers of all public authorities should display a standard board containing essential information about them under RTI Act in such areas where internet facilities are not available and a comprehensive list of public authorities as defined in Section 2(f) falling under different administrative departments be put on internet and made available in print form”, the Commission further suggested, adding “every Administrative Secretary should be made responsible for assuring pro-active disclosure by a public authority within their purview”.

Courtesy: Daily Excelsiro (03 April 2013)

Paper Power (to access basic services)
Rukmini Shrinivasan

For common people, especially slum dwellers, RTI applications have become a means to access basic government services

One morning recently, Vikas Kumar, 20, stood in the courtyard of the sub-divisional magistrate’s office in Mehrauli in the shade of the Qutub Minar with his paper arsenal. Originals and photocopies, attested and stamped, Vikas was armed with the inch-thick paper trail that he has accumulated in his year-and-a-half-long battle to wrest from the Delhi government a certificate that would acknowledge that he was the backward caste he said he was. On the top of the stack was a response to a Right To Information (RTI) application he filed one year ago, an application for information he already had, yet suddenly, all important.

As the citizens of India get on with their daily wrestling match with the bureaucracy to get services they are legally entitled to, the 2005 Right To Information Act has emerged as an important weapon, despite the fact that information is not strictly what they need. The relatively well-functioning Act has provided citizens their first and often only chance to generate a paper trail that they can use in future entreaties or, for the more empowered, in legal action. “We are finding that the bulk of RTI applications that common people, especially in slum areas, file are simply ways to get in writing the fact that they have not yet received the service they applied months or years ago for, “ says Anjali Bhardwaj, director of the Delhi-based Satark Nagarik Sangathan. The actual problem of a person walking in to the SNS office on a recent morning might be that she hasn’t received her BPL card, is not getting the ration she is entitled to, has not been receiving her water bill or has applied for an income certificate and not yet received it. In addition to helping her approach the right authority, she is also told to put in an RTI application. “Pehle aap ek RTI daalo (First you should put an RTI), “is the most common advice that consumer forums and NGOs now give to citizens who come seeking help in accessing services.

Former Central Information Commissioner and the indefatigable Mumbai-based RTI activist, Shailesh Gandhi, says that the penalty provision of the RTI Act has allowed the citizen to entertain a “reasonable expectation of a response in a situation where he or she cannot reasonably expect a reply from the government on anything else.” Added to that is the RTI’s robust appellate mechanism.
The paper trail that the RTI generates is as important to the citizen as it is to the government servant. "If you go in person, the official can just dismiss you by saying 'Application nahin aaya (the application has not come),' says Gandhi, "but he’d be scared of putting it in writing that he hasn’t done anything."

This fear of admitting one’s inaction in writing is possibly driving a remarkable phenomenon observed by consumer activists and scholars: the immediate impact of the receipt of an RTI Act on service delivery. Public finance watchdog Moneylife recently reported the case of a Pune resident whose passport police clearance was instantly processed when he tried to submit an RTI application on the reasons for the delay. In 2010, Leonid V Peisakhin and Paul Pinto, both PhD candidates at Yale University’s department of political science, conducted a field experiment in a Delhi slum that scientifically established this ability of the RTI Act to prod officials into action. The subjects, all of whom were poor slum dwellers, did not have a ration card but wanted to apply for one. They were randomly assigned to one of four experimental groups. The first applied for the ration card and then did nothing more about it, the second attached a letter of recommendation from an NGO to their ration card application, the third paid a bribe after putting in their application, and the fourth enquired about the status of their ration card application through a RTI request shortly after the initial application. Peisakhin and Pinto found that the group that paid a bribe was by far the most successful, in that its application was processed faster. But interestingly, the group that put in an RTI request was almost as successful. Hardly anyone in the other two groups received their ration card during the eleven-month duration of the study. None of this means that the RTI Act is functioning impeccably. The RTI response to Vikas Kumar’s application came late and was hand-written on a plain white sheet of paper, with no stamp, seal or letterhead of the SDM’s office. The reply is sketchy at best; it answers some of Kumar’s questions but chooses not to answer others, it answers with a yes/ no questions that included a request for a document. The RTI response does not mention, as it is required to, the name of the first appellate authority. Yet in Vikas’ neatly flattened suitings-shirtings plastic bag, the RTI response occupies pride of place.

Why RTI needs to be supreme

Shailesh Gandhi

In a recent order, the Supreme Court dismissed a petition filed by the Karnataka information commissioner as “frivolous”. It also went on to impose costs of Rs.1 lakh. A closer analysis proves that this case has far reaching implications for the fundamental rights of a citizen, rights that have been codified in the Right to Information Act.

The particulars are as follows. A Right to Information (RTI) applicant had initially sought information from the Karnataka High Court. The court’s Public Information Officer (PIO) had refused to disclose this information on the grounds that the citizen must seek the required information by following the rules of the Karnataka High Court itself. As per the RTI Act, information can only be refused under the provisions of Sections 8 and 9. So the state’s information commission, as a consequence, did not agree with the PIO. It asked him to provide the needed information under the RTI Act.

The Karnata High Court went on to name the applicant as the respondent in a case that saw it quash the commission’s order. The commission decided to take the matter to the Supreme Court where an information commissioner filed the petition. The Supreme Court took umbrage at the fact that an information commissioner had filed the petition. It went on to say that the commission and commissioner have no locus and also added that by challenging the high court order, they were both only wasting public money.

It is my belief that both the high court and the Supreme Court have failed to address a very important point of law. Section 22 of the RTI Act makes explicit the fact that if there is any inconsistency in a law with regard to the furnishing of information, such a law shall be superseded by the RTI Act. The insertion of a non-obstante clause in Section 22 of the RTI Act was a conscious choice made by Parliament to safeguard the fundamental right to information from convoluted interpretations of other laws and rules that are adopted by public authorities to deny information. Section 22 of the RTI Act simplifies the process of implementing the right to information, both for citizens as well as the PIO; citizens may seek to enforce their fundamental right to information by simply invoking the provisions of the RTI Act. Without addressing the provisions of Section 22, the Supreme Court has, by this order,
sanctified and legitimised the denial of information by public authorities, who claim that there are rules to disclosure. This could have the effect of nullifying the impact and effect of the RTI Act in a serious way.

I believe information commissions have a justifiable duty to pursue and champion the provisions of the RTI Act. Very few commissioners do this, and the Supreme Court’s strictures on a legitimate exercise by a statutory authority is unfortunate. This would discourage commissions from pursuing their duties.

Logically, anyone who is a respondent or a petitioner has locus in a case. I must point out that there is confusion in the courts about who should be named respondents when an RTI decision of the information commission is challenged in a writ. The Karnataka and Bombay high courts ask the commission to assume the role of a respondent in many cases, while the Delhi High Court has refused to accept the information commission as a respondent for the last two years. The only unexplained exception was in WP 3318/2012 when the court named me a respondent for discharging legitimate duties as an information commissioner. In such circumstances, the Karnataka commission could not have had clarity about whether or not it should file a petition. If a citizen can file a PIL, is it so objectionable for an information commission to challenge a major dilution to the RTI Act? Though we recognise the Supreme Court’s jurisdiction, it does seem to have publicly reprimanded a statutory authority without compelling reason. This could be a major setback for transparency and democracy in India.

Courtesy: Hindustan Times (30 January 2013)

Activists smell a rat in CoP-11 fund utilisation

Daya Raghunathan

RTI activists in the city cry foul on the way funds were utilised during the 11th Conference of Parties (CoP-11), held here in November 2012. They question if the departments involved applied due diligence while spending for the event.

“The money released for the purpose of CoP-11 was mismanaged with crores being spent on regular departmental work,” says RTI activist Mahendra Reddy.

Reddy said that the Hyderabad Metropolitan Development Authority, in its reply to how funds given to the department for CoP-11 were used, showed repetitive mentions of ‘digging boreholes’, ‘painting foot-over bridges’, ‘putting dustbins and benches in parks’.

“We fail to understand why such works have to be taken up under the garb of COP 11,” he says, adding that most of the works taken up by HMDA are distant from the venue and are linked with different parks in the city.

Talking about the biodiversity park and museum, another activist Ramakrishna asks, “When 270 lakh was allotted for the construction of the Pylon, why did it have to undergo repairs once again in February.”

He added that the work on the bio-diversity park with an estimated expenditure of 131 lakhs is yet to be completed, months after the event itself.

The activists also questioned what happened to the 2D material which was exhibited in CoP-11. “Nearly 10 lakh was spent on this. The replies from the National Green Corps show that 16 lakh was spent for designing and printing of Prakritimitra magazine. Those of us who volunteered noticed that the magazine was undistributed,” says Yogender.

“Roads and Buildings department’s 11.85 crore expenditure for CoP-11, was wasteful,” says Sai Prasad, RTI activist. “Out of an allocated budget of 21.2 crore, 11.85 crore was spent on eight roadworks.” he added.

Courtesy: Deccan Chronicle (04 March 2013)
Grievance redressal Bill could be the next RTI

‘Decentralized Implementation is The Key’

The National Campaign for the People’s Right to Information (NCPRI) has said the grievance redressal Bill cleared by the Union Cabinet on Thursday could become a potential game-changer, provided the government ensures that redressal can take place at the district level, and the principle of federalism is respected.

The NCPRI, which includes Aruna Roy of the Rajasthan-based Mazdoor Kisan Shakti Sangathan (MKSS), was the organization that successfully campaigned for the Right to Information (RTI) Act, and has been pushing for several years for an effective grievance redressal bill. Such a bill was also one of the demands of the Anna Hazare-led Lokpal movement.

While welcoming the approval of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 by the union Cabinet, the NCPRI raised some potential problems. The text of the cleared Bill, which went to the Cabinet after going through a standing committee, is not publicly available, so members of the NCPRI clarified that the issues they were raising were based on 16 slides uploaded on the Prime Minister’s Facebook page.

While several states, including Delhi, Rajasthan, Madhya Pradesh and Bihar, already have legislations mandating that public services be delivered within a fixed timeframe, the NCPRI said that there was no conflict with the central Bill. “The central Bill not only guarantees time-bound delivery of goods and services, it also gives the citizen a redressal mechanism if they are not getting what is rightfully theirs. So while Delhi’s state Act might give the citizen the right to get a ration card within a certain number of days of applying for it, the central Bill will help a citizen who is not getting her rightful ration,” explained Anjali Bhardwaj, co-convener of the NCPRI.

While a central Act could cover both central and state schemes, states didn’t necessarily need to repeal their laws as the citizen could have the choice whether to use the state or central Act as in the case of the RTI, said Nikhil Dey, co-convener of the NCPRI. “However there are two points over which there is a conflict with federalism: one is the provision that gives the citizen the right to approach the central public grievance commission if she is aggrieved by a decision of the state commission. The other is that orders passed by the central commission must be enforced by the state commission,” said Dey. Many states would oppose these provisions, and the government should amend them to ensure smooth passage for the Bill, he added. “Our biggest concern, however, is the information available, the government is silent on the setting up of district and sub-district-level grievance redressal authorities,” said Bhardwaj.

CIC Blames Govt for RTI Workload

How long does it take to get information from a government department under the RTI Act? One or two or maybe six months? If the data available with Central Information Commission (CIC), the final appellate authority for RTI Act, is anything to go by, it could take you over three years to get information or fight wrongful denial of information by a government official. RTI Act lays down that a government department has to give information to an applicant within a month. In case the applicant is not satisfied, he can go in for first appeal within 30 days and then a second appeal before CIC within a month of the decision of the first appellate authority. The way RTI Act was framed an applicant could get an information maximum in three to six months. However, over seven years after the enactment of the legislation, CIC is inundated with appeals and has still not heard cases filed in 2010. This increasing pendency has made the chief information commissioner Satyananda Mishra give directions to all information commissioners and benches to hear cases filed before December 2010 on priority basis. Speaking to ET, Mishra confirmed the increasing pendency at CIC. “Yes there are some commissioners who have before them cases which have been pending since 2010. We have given instructions that these cases be heard on priority basis and disposed quickly. Right now at CIC we are hearing cases, which are 8-10 months old, like I am hearing cases filed in 2012. We are trying to bring this wait down to six months for the appellants,” Mishra said. He puts the blame for the increasing workload of CIC at the doorstep of the government.

Courtesy: The Times of India (10 March 2013)

Courtesy: The Economic Times (04 February 2013)
5 RTI Commissions Stop Working

Nidhi Sharma

One of the biggest showpiece legislations of UPA - the Right to Information Act (RTI)-is at serious risk of running aground. The RTI, which compels the government to share information about its functioning with citizens on demand and has since its birth in 2005 become the scourge of politicians and bureaucracy across the country, faces a major challenge with work in 5 of 28 state information commissions hearing appeals coming to a halt. Commissions in Rajasthan, Manipur, Jharkhand, Madhya Pradesh and Goa have stopped work after the Supreme Court ordered last September that said only retired high court or apex court judges could be appointed in commissions. “The state information commissions do not disclose pendency on their websites. So we don’t even have a ballpark figure of the number of cases filed and pending since the judgment,” says Venkatesh Nayak of the Commonwealth Human Rights Initiative (CHRI). A survey conducted by it reveals that even six months after the verdict the state commissions are skeptical about resuming hearings. In its order, the top court had said that commissioners in state and central information commissions should have a judicial background. The Information Commissions were also asked to operate in benches of two members, with at least one member having a judicial background. Although the Centre has filed a review petition before the Supreme Court, the Information Commissions fear the decisions taken by them could be challenged in court if they don’t operate in two member benches or don’t have a judicial member.

After the Supreme Court verdict, the Rajasthan government started the process of appointment of judicial officers, but the process was shelved and the state’s Information Commission has no commissioner. In Jharkhand, there is a retired chief justice heading the state commission, but there is no second member and the panel has kept hearings in abeyance.

The prodigal daughters: Women in the panchayat

S cattered over the desert state, a new firebrand lot of elected women representatives challenge the notion of playing puppet in the hands of power seeking sarpanch-patis. Young, socially conscious graduate women in Rajasthan are choosing to tread the path of politics over other possible lucrative careers, with a singular view to work for their people, find Sowmya Sivakumar and Jaspreet Kaur.

Shama Khan, block pradhan: Shama Khan is daughter-in-law of seven time MLA Abdul Hadi and wife of Barmer up-zila pramukh Gafoor Ahmed. But, it would be a mistake to ascribe her identity only to her family’s larger than life political legacy. Shama was voted unopposed as the Pradhan of Chohtan block, Barmer district. Seven years into the thick of grassroots politics, Shama confesses that this was never what she dreamt of. “I come from an academically oriented family. I had purchased all the books to prepare for RAS exams and was set to enter government service. But I got married before graduating. The round the clock influx of visitors who would bring their problems to my father-in-law made a deep impression on me,” says Shama. “Many government schemes are made but people are not able to reap its benefits due to lack of awareness. This, to me is the biggest obstacle in development. The state of education of girls in this area is abysmal. After I got elected, I started regular monitoring of schools, hospitals, ration shops etc in my area.

Rakhi Paliwal, up-sarpanch: Rakhi Paliwal was all of 21 when she told her father her mind was made. A fresh graduated in arts from a Nathdwara college, she wanted to contest the ward panch elections, taking his work as sarpanch in the ‘90s forward. Sanitation is on top of the agenda for this spunky twenty four year old who was elected up-sarpanch of Upli Odan panchayat, Khamnor block in Rajsamand district in 2010. What irked her most from a young age was to see people in her village answer nature’s call in the open.

Anita Bairwa, sarpanch: Politics is not a path that one would expect a beautician to pick. But that’s precisely what Anita Bairwa, now sarpanch of Shivdaspura, near the state capital, opted for. The trigger was an eve-teasing incident by a drunk which set her thinking and finally take the plunge into politics. The biggest problem was the rampant eve-teasing by drunken loafers around the area. “I was so fed up one day that I dragged one of them to the middle of the chowk and gave him a good thrashing. After this, such incidents has declined,” she says.

Courtesy: Economic Times (02 April 2013)

May, 2013

Transparency Review
National Interest: Mere Paas Media Hai

Shekhar Gupta

The fixer-businessman’s new badge of honour — and disgrace

Besides political connections, there is one equally significant common thread linking the owners of chit fund companies currently under the scanner in the east. They are all media owners as well. Many have a footprint across media and languages. Further, there are other common factors within their media businesses. For none of them, is media a major or core activity. Most of them make losses in their media businesses. For all of them, media has also been an afterthought, after they had made their money in other businesses, mainly chit funds, mining, real estate or simply politics. They obviously saw media as a small investment relative to the size of their businesses. What is more important to the people of India, and for us, a small but expanding community of Indian journalists, they also saw media as a force multiplier. A mere adjunct to their businesses, a small hole in their balance sheets, but an investment that was monetised in other ways. It secured you political patronage, protected you from the police and regulators, helped you fix your rivals and, as in the case of the head of the media ventures owned by the Saradha group, got you a seat in Rajya Sabha. One thing it rarely made you was old-fashioned profits.

The Saradha group set up several news channels, besides newspapers in Bengali, English, Hindi and Urdu. The group in the Northeast it was looking to invest in belonged to another unconventional owner, an occasional politician, Matang Singh, who appeared from nowhere to become a minister in Narasimha Rao’s cabinet in Chandraswami’s heyday and disappeared equally mysteriously. If he and his wife Manoranjana Singh made any money running the media business, we do not know, but it seems unlikely. Rose Valley, Tower Group, Shine Group, Rahul Group, Chakra Group and G Group, all under the scanner now in Bengal, have the same basket of interests: chit funds, real estate and media. In resource-rich east-central India, where a mining lease is the ticket to status, clout and a private Cessna Citation, even an Embraer, a media appendage has now become a necessity.

THE political class was the first to understand what a tiny business the media was financially, and how out of proportion its clout. The first “non-traditional” media entrepreneurs in this current phase were thus politicians, particularly in the states. Y.S. Rajasekhara Reddy’s Sakshi group is the most visible, but there are many others, some in almost every state. Of these two sets of new entrants in the media, entrepreneurs who work on the cusp of politics and resources (mining, real estate) and regulation (non-banking finance), and the politicians, the latter have been cleverer. If it was clout they were after, the better way, some of them figured, was to control access for others rather than go through the “jhanjhat” (messiness) of setting up channels and newspapers and paying salaries to ungrateful, insufferable journalists. Go over the map of India, state by state, and see how politicians have taken control of television channel distribution. Punjab and Tamil Nadu are two of the starkest examples where powerful political leaders or families control distribution, and anybody critical of them is routinely taken off air. You are also less likely to lose money in this business. Distribution has guaranteed incomes, and political clout ensures your monopoly anyway.

But why are we complaining? Why are we being so protective of what only we see as our turf? There is nothing in the law to stop anybody from owning media. And sure enough, the biggest business houses in India have tried their hand with the media and retreated with burnt fingers and singed balance sheets. The Ambanis (Observer Group), Vijaypat Singhania (Indian Post), L.M. Thapar (The Pioneer), Sanjay Dalmitia (Sunday Mail), Lalit Suri (Delhi Midday), are like a rollcall of the captains of Indian industry who failed in the media business. They failed, you’d say, because they did not, deep down, respect the media, or journalists. Many of them saw themselves as victims of poorly paid, dimwit journalists employed
by people who called themselves media barons but were barons of what was a boutique business compared to theirs.

But there is a difference between then and now, and between them and the state-level businessmen investing in the media now. They failed because they did not respect journalism. The current lot are setting up or buying up media mainly because they do not respect journalism, because they think all journalists are available, if not for sale then for hire, as lawfully paid employees. If you have a couple of news channels and newspapers, a few well known (and well connected) journalists as your employees, give them a fat pay cheque, a Merc, and they solve your problem of access and power. They also get you respect, as you get to speak to, and rub shoulders with top politicians, even intellectuals, at awards and events organised by your media group. It is the cheapest ticket to clout, protection and a competitive edge. A bit like, to steal the immortal line Shashi Kapoor spoke to his wayward “brother” Amitabh Bachchan in Yash Chopra’s Deewar (mere paas maa hai), tere paas police, SEBI, RBI, CBI, kuchh bhi ho, mere paas media hai. Remember how Gopal Kanda defied Delhi Police to arrest him rather than have him present himself grandly for surrender? The police put up scores of checkpoints to look for him, but he arrived in style, riding an OB van of STV, a channel known to be “close” to him. Which cop would dare to look inside an OB van?

Most of us, particularly senior citizens in the profession, have stories of cash-rich businessmen promising “blank cheques” to set up new media companies. My favourite is of a well known and, frankly, well respected and clean real-estate baron coming in to see me once, in evident distress, and asking if I would set up a TV channel for him, whatever the cost, Rs 300, 400 crore. I asked him why. Almost every news TV channel in India was losing money. He said he had spent all of the previous day waiting for his turn at a land allotment meeting in Noida. Nobody asked him even for a glass of water, while all those who owned some media were ushered in with respect as soon as they arrived. And of course, the deal would have cost them much less. He had walked out with the resolve to set up his own media. I did explain to him that, in that case, he had come to the wrong people, but he isn’t the only one of his kind you would come across lately.

WE are complaining, and we should be worried, because this new phenomenon destroys two things. One, it damages our markets by distorting wages and corrupting terms of engagement with advertisers, sponsors and government. Second, it wrecks the very bedrock of our profession: respect that is built over years and decades of honesty, integrity and professional competence. Journalism, in so many ways, is like medicine, a very special, even noble profession with its own equivalent of the Hippocratic oath. This new invasion has contributed to the declining respect for the journalistic class, a point I had tried to make in an earlier article (‘Noose Media’, IE, April 3, 2010, goo.gl/MwgzW), provoked to see how often journalists were being mocked or caricatured in popular culture and Hindi cinema. And that was five months before Peepli Live.

So what can we do about it? Any suggestion that gives the government, or any regulator, a say in who can own the media would be disastrous. Esoteric ideas cannot work. You’d remember how venerable Justice P.B. Sawant, as press council chairman in the ’90s (he would have hit more headlines than Justice Katju if there was much news TV then), used to say that journalists’ cooperatives should run newspapers. I had humbly pleaded with him that such a thing would never work: I was a member of a housing cooperative run by journalists and it was a disaster. You will, therefore, need entrepreneurs to run the media.

Maybe we should begin by learning to talk more about ourselves, and more openly. There is no bar on who owns media, but disclosure and discussion of conflicts of interest should be widespread and open. Print, at least, has an annual disclosure of its shareholders. This should be extended to news TV. But, more than that, we need to cover and investigate each other. How many of us knew this web of conflicting media-chit fund-real estate-political interests in Bengal before lakhs had lost their life-savings and the media hundreds of jobs and a bit of credibility?

We in the mainstream media have to get over that old-fashioned queasiness. Because we cannot escape scrutiny now, and not only should we not try avoiding it, we should become part of it. It is not the usual, silly cry for naming and shaming, but for opening ourselves up to peer review and scrutiny.

Courtesy: The Financial Express (29 April 2013)
Democracy lies at the heart of Indian nationhood and the media is considered to be its integral part. In this light, the present book discusses and provides valuable insight into a very complex and key issue – that of the handling of polls-related surveys, and thereby, polls themselves, by the media in India. Naturally, how the polls surveys are conducted as such, who conducts them at what behest, are they scientific enough, can they be the sole criteria for making poll-related predictions and analysis and how media should approach them, are some of the major areas taken up for discussion here. Pitching for transparency in conducting and in the use of poll surveys, the book presents an insider’s view and an outsider’s concern but with a critical perspective. It is likely to be of immense value to the researchers, survey agencies, media professionals, the political class as such, students and teachers of political science and to all concerned citizens interested in this crucial aspect that the transitional times bring up before the Indian democracy.