



# Transparency Review

Journal of Transparency Studies

## THE JOURNEY CONTINUES

Four years may seem a passing moment in time; it may also encompass a definitive period in history. The Right to Information Act of 2005 was implemented in October that year. Its detailed provisions contained the seeds of peaceful, revolutionary change of the archaic, secretive procedures of governance inherited from colonial times, inspired by the grassroots movement initiated over the previous decade in Rajasthan. Within months of the Act coming into force, its impact was felt and has gathered momentum.

Early in 2005, it seemed desirable to try to chronicle glimpses of the momentous changes witnessed in many parts of the country, together with parallel movements transparency inspired. Thus, the first issue of *Transparency Review* was born four years ago. The lead article, appropriately titled 'The Journey Begins,' was contributed by Aruna Roy founder of the Kisan Mazdoor Shakti Sangathan (MKSS), guides and sponsors of the Rajasthan movement. Since then, the journal has been privileged to publish other articles by her and others, and pick up and put together a mosaic of news items recording relevant events. Importance was given to the National Rural Employment Guarantee Act (NREGA), offshoot of the right to information movement.

This anniversary issue of *Transparency Review* features a selection of pieces published in the last four years, updated with fresh articles. Among them is a survey of MPs' views on the need for transparency in issues concerning conflict of interest, in which legislators are involved. The Media Review section contains a thought-provoking address by Election Commissioner S.Y. Qureshi on news for sale.

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## **TO READERS**

### **Dear Reader**

We look forward to your letter and comments on issues raised by this journal.

### **Form IV**

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# HAMARA PAISA : HAMARA HISAB

Ajit Bhattacharjea

**A**t a *jan sunwai* (public hearing) organised by the Mazdoor Kisan Mazdoor Shakti Sammelan in 1996, in a crowded triangular patch in front of the old Chang Gate in Beawar, a well-built woman strode up to the microphone, lifted the multi-hued ohmri covering her face, to demand access to the local panchayat accounts. Nourti Bai's self-confident air and strong, clear voice articulated the demands for the information required to establish complaints that workers' dues were being diverted and the works shoddily constructed. The 500-strong gathering responded with the slogan *Hamara*

*Paisa: Hamara Hisab*. To me, Nourti Bai became a symbol of the momentum gained by the then incipient right to information movement in Rajasthan by linking transparency to livelihood.

More *jan sunwais* exposing the corruption involved in public works made the momentum unstoppable. Right to information was transformed from an academic pursuit into a grassroots

campaign. After nine years, Parliament responded with the Right to Information Act of 2004 containing specific provisions requiring government offices at all levels not only to provide access to files but erect boards publicising their functions. The National Rural Employment Guarantee Act (NREGA) passed soon after underscored the overlap of the two historic pieces of social legislation.

The need for both to operate in tandem became obvious as crores began to be poured into panchayats to implement the NREGA pledge of offering 100 days of work a year to those willing to work on manual labour projects at the minimum wages rate. The requirement of manual work on digging or clearing

a specified area each day was designed to deter all but the needy. But in many panchayats, fictional names on muster rolls, shoddy material and poor designing of projects diverted the money into the hands of sarpanches, junior officials and politicians. A high degree of corruption was revealed by non-official social audit groups.

Reports of the money poured by candidates into the recent panchayat elections in Rajasthan showed that control of them, and the funds they have access to, is attracting black money. Since they are not under

the supervision of the Election Commission, candidates are free to transport and bribe voters and conduct their campaigns without fear of inquiry. Boleros and Scorpions were seen plying on village paths to entice voters...

Wider open access to details of NREGA projects was demanded by activists to counter the threat. Kalu Ram, Sarpanch of Vijayapura panchayat in

Rajasthan, showed the way by painting details of work sites on the outside walls of his office and near the sites themselves. The names of and payment to workers, of material used and its suppliers, are listed On December 31 last year, the State Government issued an order requiring such boards to be put up by every panchayat. Last month, I visited villages around Vijayapura.

Nira-ki-Bassi lies on a slope of a low spur of the Aravalli range, the road winding up to it. The habitations are on different levels. Beyond stretches an arid, semi-desert landscape relieved only by the green of isolated trees and bushes on the red soil. On the approach to the village, a recently whitewashed



wall of a shrine catches our eye. On it are painted details of the works being started this year under the National Right to Employment Guarantee Act (NREGA)

The village road soon peters out. A lone woman, holding a lunch pail, trudges along a stony path towards a blue patch of water, a yellow board beside it. The scarce rainwater from last year's patchy monsoon has formed a small reservoir scooped out by NREGA labour. A yellow board displays the details of the project.

A little further, women are working on low-lying land beside an anicut, another plan to preserve water. Each woman is required to dig and clear a pit of designated length, width and depth each day to earn the Rs 100 received under NREGA. Still wearing their multi-hued *ohrnis*, they labour for at least six to eight hours under the sun, bringing their lunch pails with them. One woman serves drinking water.

Yet they did not look weary and spoke readily. The youngest, a child beside her, was articulate. It was hard work, but it helped to meet their rising livelihood expenses. The previous year, they had been able to do the full 100 days of work guaranteed by NREGA and received Rs 10,000. I asked why only women seemed to be working. She smiled but did not reply. But the confidence in her voice indicated the difference that NREGA was making in social and marital relations.

Kalu Ram is no longer Sarpanch of Vijayapura. He has handed over charge to the newly-elected Sarpanch, his wife, Rukma Devi. She was rewarded at the recent elections by the villagers for the work he has done in the face of caste opposition. Both are Dalits, belonging to the weaver caste. When I called on her in her village house, she was shy but determined to continue her husband's work.

Though modest in appearance, Kalu Ram is not shy, showing visitors the brightly painted walls of the panchayat office with pride. One section quotes the section of the Right to Information Act requiring government offices to display their functions. Others list full, updated details of NREGA works with names of workers, the amounts they were paid, source and cost of materials used and dates. Other works done by the panchayat are also listed. Audit teams have no need to peer into the dusty registers and account books in other panchayat offices.

We accompany him to Narainji-ka-Bidda, another village under Vijayapura panchayat. The low hills surrounding the village are contour-banded to preserve rainwater, preventing it from cascading into the valley. Further, women toil on the valley floor,

each digging a measured pit while others place the cleared earth in metal basins and carry them up a slope to be emptied into the makings of an embankment. A mate lays down the measurements and calculates the volume of work. They will be checked when the project is complete.

Vijayapura is unusual. I saw no NREGA boards in other panchayats despite the State

Government's order. Opposition to transparency and audit is strong. I was present at a large-scale social audit campaign in Bhilwara district earlier where many sarpanches were found to be involved placing fake names on muster rolls and fudging accounts. But little action has been taken. The authorities seem unwilling to antagonise them with elections to the State Assembly approaching.

Yet the future is not dark. In the panchayat elections, Nourti Bai emerged again as one of the few successful Independent candidates, as was Rukma Devi. They contested powerful local interests. Nourti's performance in Beawar made right to information come alive; Kalu Ram has done the same for NREGA.



# LEGISLATORS LUKEWARM ON CONFLICT OF INTEREST

— CMS Transparency Study Team

When Prime Minister Manmohan Singh issued his stern directive to parliamentarians to desist from the pernicious practice of favouring individuals in return for gifts or other temptations, it was presumed that cases of ‘conflict of interest’ would diminish. During the current budget session of Parliament, a team of the Centre for Media Studies (CMS) conducted a survey of the opinion of MPs on this vital issue but most of the respondents felt it “would not make much difference.” They were of the opinion that the roots of corruption lay in the bureaucracy, media and judiciary, but conceded conflict of interest among legislators. They think a more proactive role of political

MPs were asked specifically which of the four pillars of the State had more corruption. Half of them felt that the bureaucracy, media and judiciary were more riddled with corruption than legislatures. Only one MP thought that legislatures had more corruption. Thirty-two felt that corruption in legislatures was “moderate,”<sup>67</sup> that it was less than in the other three wings.

How sensitive are MPs to public accusations that politicians are responsible for widespread corruption in the country?. They are almost equally divided. That is, 48 percent think that such criticism is routine and stems from a passion to criticize politics and politician for the ills of the nation. However, 51 percent

Corruption as a phenomena is				
(percent of MPs)				
In	Bureaucracy	Legislature	Judiciary	Media
More	72	1	15	51
Moderate	28	32	78	47
Less	-	67	7	2

parties would serve better in addressing conflict of interest issues.

In Andhra Pradesh, Maharashtra, Karnataka and Gujarat, half of those who got elected to the Lok Sabha declared business or industry or trade as their occupation. They were from all political parties. About 135 Lok Sabha members have declared accordingly. In the Rajya Sabha, 26 Members declared their occupation as industry or business or trade and the like. The membership of these MPs in various House Committees was looked into. About 14 of Lok Sabha Members from Andhra Pradesh, 13 from Karnataka and 18 from Maharashtra who declared their interest as business / industry / trade interests, are members of a House Committee with potential of conflict of interest.

Personal interview with a random sample of MPs could be completed with 100 MPs of the 250 MPs contacted.. Of them, 78 belong to the Lok Sabha and 28 the Rajya Sabha. They belonged to various states. They were interviewed between March 22 and April 10, 2010.

think that there is some truth in such perceptions. A majority of MPs do not see the need for an amendment of RTI Act.

## Prime Minister’s Directive

Considering the significance of the PM’s directive, Transparency Review publishes here (mainstream media has not fully reported) the full text.

Extracts from the Prime Minister’s directive, circulated by the Ministry of Home Affairs, December 9, 2009 show how seriously he took the matter, Legislators were required to:

- a) disclose to the Prime Minister, or the Chief Minister, as the case may be details of the assets and liabilities, and of business interests, of himself and of members of his family. The details to be disclosed shall consist of particulars of all immovable property and the total approximate value of (i) shares and debentures, (ii) cash holdings and (iii) jewellery. Such a Statement of assets and

- liabilities could be in respect of the financial year of which the income tax return has already been filed by the Minister;
- b) sever all connections, short of divesting himself of the ownership, with the conduct and management of any business in which he was interested before his appointment as Minister; and
  - c) with regard to a business concern which supplies goods or services to the Government concerned or to undertakings of that Government (excepting in the usual course of trade or business and at standard or market rates) or whose business primarily depends on licenses, permits, quotes, leases, etc., received or to be received from the Government concerned, divest himself of all his interests in the said business and also of the management thereof.
2. After taking office, and so long as he remains in office, the Minister shall:-
- (a) furnish annually by the 31st August to the Prime Minister, or the Chief Minister, as the case may be, a declaration regarding his assets and liabilities for the previous financial year;
  - (b) refrain from buying from or selling to, the Government any immovable property except where such property is compulsorily acquired by the Government in usual course;
  - (c) refrain from starting, or joining, any business;
  - (d) ensure that the members of his family do not start, or participate in, business concerns, engaged in supplying goods or services to that Government (excepting in the usual course of trade or business and at standard or market rates) or dependent primarily on grant of licenses, permits, quotes, leases, etc., from the Government; and
  - (e) report the matter to the Prime Minister, or the Chief Minister as the case may be, if any member of his family sets up, or joins in the conduct and management of, any other business.
- 3.1 No Minister should -
- (a) personally, or through a member of his family, accept contribution for any purpose, whether political, charitable or otherwise. If any purse or cheque intended for a registered society, or a charitable body, or an institution recognized by a public authority, or a political party is presented to him, he should pass it on as soon as possible to the organization for which it is intended; and
  - (b) associate himself with the raising of funds except for the benefit of (i) a registered society, or a charitable body, or an institution recognized by a public authority and (ii) a political party. He should, however, ensure that such contributions are sent to a specified office bearer, etc. of the society or body or institution of party concerned and not to him. Nothing herein before shall prevent a Minister from being associated with the operation for disbursement of funds raised as above.
- 3.2 A Minister, including the Union Ministers, the Chief Ministers and other Ministers of States Government/Union Territories, should not permit their spouse and dependents to accept employment under a Foreign Government, in India or abroad, or in a foreign organization (including commercial concerns) without prior approval of the Prime Minister. Where the wife or a dependent of a Minister is already in such employment, the matter should be reported to the Prime Minister for decision whether the employment should or should not continue. As a general rule, there should be total prohibition on employment with a Foreign Mission.
- 4.1 A Minister should -
- a) not accept valuable gifts except from close relatives, and he or members of his family should not accept any gifts at all from any person with whom he may have official dealings; and
  - b) not, nor permit a member of his family, contract debts of a nature likely to embarrass or influence him in the discharge of his official duties.

**March 26, 2010,**

**Transparency Review has been informed by the Prime Minister's Office that "All the Ministers have compiled and filed their response".**

# THE JOURNEY BEGINS



## A DECADE OF STRUGGLE

**Aruna Roy**

Six months into the implementation of the National Right to Information Act, we have stories of successes and failures, debates and complaints coming in from all parts of the country. Active e groups analyse the various sections, sub sections, rules and rulings of the Commissioners of Information. Trainings and social audit processes, meetings, seminars, reports, campaigns, and debates in the legislature and in the media around the RTI are now regular occurrences. There is an ongoing debate about the hopes of the RTI Act has kindled and the deliberate attempts to scuttle its scope. In the debate about whether the national law will change the way our democracy functions or whether it is just a piece of paper, it is crucial that we take into account the foundations on which this law has been built. This decade of struggle and the use of the right to information in India, has been an interesting dialectic between legislative entitlements and their implementation. The the process has demonstrated the power of democratic participation of people in policy making and the delivery of services. It has been a long journey from the early days of asking to see the muster rolls for payment of minimum wages, to the current debates on the disclosure on file notings. This journey itself is significant and should lead us to understand that the passage of the national law is only one important phase in a continually evolving democratic process.

*When minimum wages continues to be denied to workers who put in more than 8 hours of work on government works in Rajasthan, the people were forever struggling to prove that they were right. The administration continued to speak of 2 versions to the truth. Documents became vital to prove work done. Muster rolls and bills and vouchers became important documents which were classified as secret by the local administration, endorsed by the whole bureaucratic chain. When they did eventually come out, there were dead people's names on the muster rolls and clearly verifiable fraud in the bills.*

This small but significant demand for copies of bills, vouchers and muster rolls, in village panchayats in central Rajasthan, triggered off a campaign for transparency and accountability in the use of public funds..

*When Sushila was asked by reporters and others in Delhi in 1997, why she needed the Right to Information, particularly as a semi-literate village woman from rural Rajasthan, she said, "When I send my son to the market with ten rupees, I ask for accounts. The Government spends millions of rupees for the poor. "Is liye - Mera paisa, mera hisab"... My money, My accounts !*

The RTI has come as a simple tool to a people, fed up with the corrupt mismanagement of the ruling classes. The people need to know everything that is being done in their name. A democracy gives us that basic and inviolable right. If nothing

else, we must at the least call the bluff of the hypocritical assurances made at the time of election, in assemblies and in Parliament; invoke the rights we gave ourselves when we framed the Constitution.

*When the people of Janawad applied to the Collector in 2001 to verify the numbers of ghost works painted on the Panchayat Board as required by the Rajasthan, RTI Act 2000, it took them one year to access the records. The Gram Sewak, ran away with the records and filed a writ in the High Court, in the dramatic finale! It was difficult to believe that the Administration did not panic about it. What sent the administration into a panic about Janawad, as elsewhere, was not questions about budget allocations, but the details of a check dam billed thrice, a 25 year old Sub PHC billed afresh, the Veterinary hospital on the first floor, the non-existent roads - a long endless list of non-existent works. This is all old hat, but the freshness of this exercise was in the verifiable details of fraud, with a list of persons who under wrote the fraud, with signatures and seals !*

When we see what is going on in the name of governance, many of us feel a great disquiet. There has been a range of reactions from common people- from a desire to plug ears, close eyes and running away – to armed revolution. This is how irate people have lodged their protest. The frustration of facing injustice and inequality has a history down the ages. These questions in a generic term are not new. It is the rephrasing of the right to know what rulers and the ruling classes do, in small details in unexpected and seemingly innocuous places that has made a huge difference.

*The people of Maharashtra refused to accept a weak Act that the State legislature first passed. Through a series of agitations they ensured that the Act was repealed and replaced with a far stronger RTI Act. The Maharashtra campaign served as an inspiration to the national effort to have effective legislation. The weak and ineffective Freedom of Information Act 2002 has been replaced with the far more powerful RTI Act 2005. The bureaucracy that was resisting notifying the earlier Act has found its effort boomeranging as it has been compelled to implement this Act within 120 days of it being passed by Parliament, as part of the provision of the Law*

It is not just a question of expenditure but also of policy and implementation. We need to know how the ruling elite manage or manipulate our lives through democratic institutions, national governments, international agencies and a plethora of structures. Without knowing the details, we are and will increasingly, be at the mercy of plans to restructure our lives fundamentally, by a system and many systems to which altruism is only a veneer.

*Delhi 2004-2005. The Delhi Right to Information Forum and the Right to Water Campaign accessed over 4000 pages of documents under the Delhi RTI act to unearth the facts of World*

*Bank pressure on the Delhi Jal Board to institute a particular model of water reforms. The Delhi experience not only demonstrated the importance of information in the public domain to enable citizens to effectively participate in making choices, but also illustrated the importance of file notings and their vital role in understanding the process of decision making. This has helped make the current debate on disclosure on file notings more meaningful. It has also helped build an effective constituency for ensuring that they be not exempt.*

Despite a strong national law, violators have not only been officials but governments themselves. There are at least 10 State governments which have not appointed Information Commissioners, a large number of offices do not an idea about who their Public Information Officers are. Citizens trying to get information are sent from pillar to post to deposit their application fee. Several State Government have notified rules, with provisions in blatant violation of the Act. This has led many people to feel that the law is still born! But there are many counters to this to demonstrate how potent the law can be and how ordinary citizens can use it to ensure accountability.

## RTI AND JUDICIARY

There was a time when the Courts in India, particularly the Supreme Court waxed eloquent about the “Right to Information”, being a part of the Constitutionally enshrined right to speech and expression. Thus, while rejecting the government’s claim of privilege on the Blue Book containing the security instructions for the Prime Minister in Indira Gandhi’s case, the Court said, “In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything, that is done in a public way by their public functionaries.”

Thereafter, while rejecting the government’s claim of privilege on the correspondence between the Chief Justice and the Law Minister on the appointment and transfer of judges, the Court said, “Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing. The citizens have a right to decide by whom and by what rules they shall be governed and they are entitled to call on those who govern on their behalf to account for their conduct. No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government. It is only if people know how government is functioning that they can fulfil the role which democracy assigns to them and make democracy a really effective participatory democracy.”

It was on the basis that the Right to Information is a fundamental right of people, that the Court ordered that even candidates contesting elections would be obligated to publicly disclose information about their criminal antecedents and their income and assets etc. Yet, though the court’s general pronouncements on the right to information have been very liberal, its practices have often not been in conformity with the declared right. Thus, for example, the courts often follow the practice of asking the government and public authorities to file reports in sealed covers in court. These reports are then perused only by judges and often not given to the opposite parties or their lawyers. Often the orders and judgements of courts are based on their perception formed on the basis of these

We go back to Beawar- the same area in central Rajasthan where the demand for muster rolls was denied outright only ten years ago

*In 2005 , on the 13 th of October, After the National RTI Act was passed and implemented, Kaniram a 70 year old man, entitled to grain under the Annapurna programme, saw a group of people getting together to file applications for information in Beawar. He joined the group and filed an application, demanding to know why he had not got grain for the last year. Not only did he get the backlog in under a week, but he got coupons for the next six months and the copies of the records he had asked for.*

The Central Act provides for a penalty of Rs 250/- per day of non-compliance on the official responsible for it. To be paid from his, or her pocket ! This has led to officials providing information and drafting replies to people they would not even have acknowledged. There is a desperate attempt to meet the 30 day deadline and the people of this area, have had their first taste of accountable governance. In a country like India this is a huge step forward for democratic practice.

**Prashant Bhushan**

“confidential reports”, which is not only a violation of the right to information of the opposite party, but also in violation of the principles of natural justice, considered to be sacrosanct.

The double standards of the courts on right to information have become even more obvious after the Right to Information Act has come into force. Though the Act clearly applies to courts which are obviously included in the definition of Public Authorities, most High Courts did not even appoint Public Information Officers (PIOs) even months after the Act came into force. Some have still not appointed them, thus effectively denying the right to information to the people about the courts. Moreover, many of even those which appointed PIOs have framed their own rules which effectively deny information about administrative or financial matters. Thus, the Delhi High Court Rules provide that:

“(5) Exemption from disclosure of information-The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:-

(a) Such information which is not in the public domain or does not relate to judicial functions and duties of the court and matters incidental and ancillary thereto.”

Thus, information sought regarding the appointment of Class 3 and 4 employees by the High Court, who are reported to have been appointed on extraneous considerations, without any public advertisement or selection, was denied by the High Court, citing this rule. This rule means that no information will be given about the expenditures incurred by the High Court (from public funds) or about any appointments or transfers. This is in total violation of the RTI Act which allows exemption from disclosure only on certain grounds specified in Section 8 of the Act and on no other ground. No public authority can refuse to disclose information which does not fall under the exemptions permissible under Section 8 of the Act. Rule 5 of the Delhi High Court rules clearly violates the Act and is thus liable to be struck down.

Not only this, the High Court rules have increased the application fees from the normal 10 Rupees to upto 500 Rupees. And the penalty for non-disclosure has been reduced from the

maximum of 25,000 Rs. as provided in the Act to Rs. 500, which is hardly likely to deter any information officer from wantonly denying information. Thus every attempt has been made to dilute the Act and make it as difficult as possible for citizens to access information about the courts. They have been emboldened to do all this in the secure knowledge that to challenge such illegal rules, the citizen would have to approach the same courts.

The Supreme Court has recommended to the government that, so far as the Supreme Court is concerned, the decision of the Registrar General of the Court should be final and not subject to any independent appeal to the Central Information Commission. They have further recommended that the Chief Justice should have the unfettered right to interdict the disclosure of any information which, in his opinion, might compromise the independence of the judiciary. The Chief Justice has already gone on record to say that even the disclosure of income and assets by judges or the formation of any independent disciplinary authority over judges, would compromise the independence of the judiciary. Going by this, it is obvious that no information about complaints against judges or about their incomes and assets would be available under the Right to Information. Thus while the Supreme Court decrees that even candidates aspiring to become public servants (MLAs or MPs), would be required to disclose their assets, when it comes to sitting judges, such disclosure would violate the independence of the judiciary! There cannot be a more glaring case of double standards.

The track record of the courts on cases arising out of the RTI Act is also not very inspiring. Even the occasional progressive orders of the Central Information Commission ordering various

public authorities to disclose information have been stayed by the Delhi High Court and the matter remains pending for months and years thereafter. Thus, even the order of the CIC to merely peruse the correspondence between the then President and the Prime Minister on the Gujarat genocide of 2002 has been stayed by the High Court, though the Act specifically provides that no information will be withheld from the CIC. Similarly, the order of the CIC asking the UPSC to disclose the marks obtained by candidates in the preliminary examination has also been stayed by the High Court, as have various other orders of the CIC.

All this shows that while the courts have been liberal in making pronouncements about the citizen's right to information in a democracy, and have also in cases implemented it with regard to others, they have been very reluctant to practice what they preach. The dictum appears to be that transparency and accountability is good for others, but the courts and judges are sui generis, and in their case transparency would compromise their independence. The wand of "Independence of the Judiciary" has always been waved by the judiciary to shield themselves from accountability, going to the extent of saying that not even an FIR can be registered against judges for any offence without the prior written permission of the Chief Justice of India. On top of all this, they enjoy the power of contempt, where they can send any person who accuses any judge to jail.

It is not surprising then that the voices to make the judiciary accountable are growing louder and are now beginning to take the shape of a public campaign. The common people are beginning to realize that they are the main stakeholders in the judicial system and they must bring grassroots pressure on the authorities for them to reform the system.

## A PARIVARTAN OPERATION

Arvind Kejriwal

Triveni is a matriculate. She was shocked to discover that her ration shopkeeper was siphoning off rations meant for her by making false thumb impressions on cash memos in her name. Whenever she went to the shop, the shop would either be closed or the shopkeeper would say that there were no stocks. Triveni lives in a slum colony in East Delhi. She holds an Antyodaya card issued by the government to the poorest of the poor. In February 2003, she filed an application under the Right to Information Act asking for details of the quantity of ration issued to her as per record and copies of cash memos purported to have been issued to her.

After a month, Triveni received a reply stating that she had been issued 25 kgs of wheat at Rs 2 per kg and 10 kgs of rice at Rs 3 per Kg every month for the last three months. The cash memos showed thumb impressions made under her name. As a literate woman, she always signs. Obviously, the shopkeeper had been drawing her ration by faking thumb impressions in her name. But now she was equipped with evidence to proceed against the shopkeeper. When he heard, the shopkeeper came to her house and pleaded with her not to take any action. Since then, Triveni is getting right amount of ration at the right price for the last year and a half.

Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, another slum habitation in East Delhi. He lost his ration card and applied for a duplicate in January this year. He made several rounds of the local Food & Civil Supplies office for the next three months. But the clerks and officials would not even

look at him, leave alone bother to tell him about the status of his application. Eventually, he filed an application under the Right to Information Act asking for the progress made on his application, names of the officials who were supposed to act on it and what action would be taken against them for failure to respond. Within a week, an inspector from the Food Department informed him that his card had been made and he could collect it from the office. When Nannu went to collect his card next day, the Food & Supply Officer (FSO), who is the head of a Circle, actually offered him tea and requested him to withdraw his application since his work had been done.

These are two examples of how the Delhi Right to Information Act, which provides for penalties for non-compliance (unlike Acts in some other States), enables the poorest citizen to secure his or her rights. Several hundred families in the slum colonies on the outskirts of Delhi have benefited. They are getting regular rations for the first time. But it has not been easy. Some officials and, behind them, the well-connected mafia that has been diverting the bulk of wheat, rice and other rationed supplies into the open market, continues to resist. Citizens, especially the poor and uneducated who are most vulnerable, need help of learn the procedures to access right to information.

The massive theft in Delhi was brought to light by Jan Sunwais organized by Parivartan, a local volunteer organization last year. When figures showing full supply to ration card holders from ration shop registers (secured under the Right to Information Act), were read out at these public hearings, women after woman

from Sunder Nagri, Seema Puri, Welcome Colony and other resettlement areas waved their ration cards to show that they had not received them. Some 90 per cent of the rations had been stolen.

After the jan sunwais, families in these areas are now receiving regular rations. But the food mafia is counter-attacking. Parivartan workers have been threatened. One young worker, Santosh, had her throat slashed last December. She ran a centre informing local people of rationing rules and how to make complaints. Others have been beaten up, in one case inside a Food Department office. But public pressure has made a difference. Officials are more cooperative. One of the latest measures taken

to promote transparency is an order opening shop registers to public view on Saturdays.

The battle is not over for the food mafia has much to lose. The public distribution system has been the biggest source of ill-gotten gains throughout the country for decades. The theft unearthed in Delhi is only the tip of the iceberg. Figures from all the States, calculated by Prof. Jean Dreze of the Delhi School of Economics by matching offtake from the Food Corporation of India with National Sample Survey data, indicate that 50 per cent of the total grain is stolen, which means an estimated Rs 5,000 crore is looted. The victims are the poor who are denied the basic rations enabling them to survive.

## E-GOVERNANCE AND RIGHT TO INFORMATION

Former President APJ Abdul Kalam

**T**he Right to Information Act has been in operation for the last one year. I am sure a number of citizens have benefited by seeking information on various aspects on Government and Government establishments. Sometimes, the information sought will lead to suggestions for improving the functioning of certain institutions, if the information is sought properly and the provided information is understood by the receiver. However, to derive maximum benefit from this Act, active participation of all stakeholders such as political leaders, civil services, media, societal transformers and the citizens is required. I am sure; the annual convention will give an opportunity for bringing about better cohesion of approach and better understanding of both objectives and expectations arising from the implementation of the Act. This will also make India a highly participative democracy. While we are working on the Right to Information Act, the country is also poised to implement e-governance at all levels.

Good governance is being recognized as an important goal by many countries across the world. They have taken up specific initiatives for open government. Freedom of information is being redefined and supported by detailed guidelines. The internet revolution has proved to be a powerful tool for good governance initiatives and the world is moving towards internet governance. An important dimension of the internet potential is the possibility of providing services any time anywhere. Along with this, there is a conscious effort to put the citizen as the center of focus of the governance. Citizens are being perceived as customers and clients. E-governance has to be citizen friendly. Delivery of services to citizens is considered as a primary function of the government. Particularly in a democratic nation of a billion people like India, e-governance should enable seamless access to information and seamless flow of information across the state and central government in the federal setup.

### Typical scenario

I visualize an election scenario, where a candidate files his nomination from a particular constituency. Immediately the election officer verifies his/her authenticity from the national citizen ID database through multifactor authentication, through a multipurpose Citizen ID card. His education credentials come from the school or university records. His track record of

employment comes from various employers with whom he had worked. His income and

wealth resources come from the income-tax department, and other sources. His property record comes from the registration of land authority across the country. His credit history comes from various credit institutions like banks. His/her civic consciousness and citizenship behaviour comes from the police crime record. His legal track records come from the judicial system. All the details arrive at the computer terminal of the election officer within a few seconds automatically by the act of e-governance software agents which crawls across the various state and central government web services directories through the network GRID and collects the information automatically and presents the facts in real-time without any bias. Artificial intelligence software analyses his credentials and gives a rating on how successful he will be as a politician. Election officer sitting at the remote block of the country decides on the spot and the election process starts. All the voters vote from their home through virtual polling booths. Is it a dream? Is it possible? If possible, when shall we have it? It is possible once India establishes national e-governance grid. Can we provide good governance to our one billion people? Can the governance speed up the delivery system? Can the governance differentiate between genuine transactions and spurious transaction? Can the governance ensure immediate action for the genuine cases, which satisfies the checklist for a particular service and spend the action on spurious transactions? Can this be done by e-governance at a cost affordable by our nation? If we have this system implemented, then I can call this an ideal example of the effective e-governance system for the citizens. E-governance system is a means to an end. We need enlightened citizens to realize the full benefits of the e-governance systems. It is people who finally uphold ethics, morality and righteousness.

### Suggestions

I would like to suggest that the Commission could run extensive publicity campaigns to inform the citizen about who deals with what in the Indian Federal set-up. The Commission could also find out how many applications are received by various departments and ministries, which have to be transferred, and how much time is lost in doing so.

# NREGA



## A YEAR OF RURAL EMPLOYMENT

Dr. N Bhaskara Rao

The National Rural Employment Guarantee Programme (NREGP) has now completed one year. Since his programme is being viewed as a flagship initiative of the UPA Government and a landmark scheme for poverty alleviation in the country, we need to take stock of its implementation. The anniversary of the scheme was marked by full page advertisements issued by the Ministry of Rural Development in the daily newspapers of the country in the first week of February. Even at the time of the programme's launch, and in the following months, the State Governments had given wide publicity to the programme in the media as if it was a panacea for poverty eradication. Not merely that; considerable media hype accompanied the launch of the programme on February 2 last when it was dedicated to the nation from Anantpur district by the Prime Minister and the UPA Chairperson with considerable media hype. In fact, no other programme of the UPA Government had received as much publicity. The Right to Information Act of 2005, on the other, hardly had any such media support although it was a path-breaking legislation benefiting all countrymen and required much more support than the NREGP which was limited to 200 districts and aimed at those who were at the "antyodaya" level of our development process, not the prime target of the nation's news media.

Going by the claims in the full page advertisements, only 43 percent of those who were issued job cards under the scheme were actually provided employment. Worse still, many of them could be provided with a job for only one or a limited number of days against 100 days' work promised under the Act. That work could be provided to that many in the first year itself could be touted as impressive, but work was provided for less than 14 days during the year in a number of districts. There were many districts / blocks including the most needy ones where only one or two days' work was given to registered card holders during the year. There were also districts where work was offered for little over 14 days during the year. But nowhere was the promised 100 days' work provided. This is the picture going by the figures prominently advertised by the Government.

The picture at the grassroots level in the districts selected for the NREGP scheme reveals that it is still far from reaching its full potential and hence every effort should be made to ensure its success and urgently make whatever modifications needed in the light of the year-long experience.

The CMS survey (Transparency Review of June 2006) in Anantpur district a few months after the launch of NREGP had

brought out that aware-ness about the scheme was nowhere near the level expected to make the scheme a potential instrument for poverty eradication or for providing relief to the most deserving. The Social Audit conducted towards the end of the first year in the same Anantpur district had brought out grim realities in the implementation of the NREGP. First, the Social Audit showed that corruption and irregularities were as much a problem with NREGP as with any other Government scheme. This included fake muster rolls, under-payment to the labourers, political patronage to the elements tampering with the scheme, threatening job card holders from revealing facts, engaging cheap labour from neighboring Karnataka in the name of rightful card holders. Social Audit teams have brought to the fore several other malpractices. A CMS survey had also revealed that migration for work from Anantpur had increased since the launch of the NREGP contrary to what one would have expected.

For instance a couple looking for jobs for both at the same site for the sake of their young children cannot avail of the Scheme because it limits jobs to one in each household.

The second issue relates to information about work schedule and the number of days work being provided. The uncertainty about the number of days, when work would be available next and where, and the nature of work that might be offered were factors inhibiting the success of NREGP. What is more, the wages being paid varied; in some cases it was lower than the prevailing wage rate.

The third irritant is the payment schedule. A daily wage-earner needs money at the end of the day's work to get his basic needs. He cannot be expected to wait for a week or two and then go to the post office, and wait for another day or two to realize the wages specially when there is no credit facility.

The job cards in many instances are being given to the Panchayat Secretary or kept with him, a con-firmed ticket for organized corruption. Works to be undertaken under the scheme are not decided by the villagers but by officers.

To sum up, it could be said that transparency in the operations of NREGP is glaringly missing in the first year. Since the scheme is proposed to be extended to another 200 districts next year, it is all the more critical that lessons of the first year are taken seriously and the programme is saved from "wearing off". Also, the NREGP should be viewed as a significant "national programme" (rather than as "UPA Government's"). The Act passed by the Parliament in the regard should not end up as a mere "legal right to work".

# CIVIL SOCIETY STRENGTHENS NREGA

Tanushree Sood

The National Rural Employment Guarantee Act completed one year of implementation on February 3 this Year. The Act tumbled through difficulties, making its way towards its objectives. The working on the ground was challenged with problems such as lack of awareness, sale of registration forms, distribution of incomplete job cards, low percentage of work demand, delay in providing employment to the applicants, and so on.

Parallel to these irregularities there have been various efforts by the civil society groups to assess the status of implementation, spread awareness about the Act and its provisions, and suggest possible recommendations for strengthening the implementation of the Act. The mediums of these struggles were many: surveys, rallies, padyatras, jan sunwais (public hearings), sammelans and dharnas. This article has been derived from the efforts of the civil society or local groups which kept a check on NREGA implementation and contributed their share towards making NREGA a success.

This past one year has been witness to the good and bad aspects of NREGA implementation. Despite its shortcomings, the Act has provided the first ever right of 'work on demand' in the hands of the people. The Act also gives an opportunity to the rural women to obtain employment. During a padyatra in Dungarpur district of Rajasthan in April 2006, it was observed that of the 1.5 lakh workers at the 1700 odd worksites, about 70-80 per cent were women.

But people's struggles have forced the administration to pay heed to the implementation of NREGA. For instance, in Gujarat a group of community-based organizations under the banner of Sabar Ekta Manch filed an appeal in the Gujarat High Court against non-payment of minimum wages. The Court, further, directed the Department of Rural Development to inquire how many such persons were working in the Sabarkantha district of the State, and to produce a statement showing actual wages being paid to the workers.

Another case of effort and change was reported from West Bengal. A survey in Paschim Mednipur district, Binpur 2 block brought to light many irregularities in NREGA implementation. Thereafter the administration took many positive steps towards effective implementation. These included: improvement in the systems of collecting and providing information on NREGA; meetings organized to emphasize steps for publicizing the provisions of NREGA; NREGA works started in all the Gram Panchayats; all the workers received wages of Rs. 68 per day and wages were paid between a week or at most within 15 days.

Yet another heartening effort by a civil society group surfaced in Barwani district of Madhya Pradesh. With sustained struggle, 79 differentlyabled persons were gainfully employed under works in the NREGA. They were motivated and the administration was simultaneously sensitized towards the inclusion of the physically and mentally challenged. These 61 men and 18 women are spread across 27 villages of the Barwani district.

Social audits and muster roll verification exercises have also been conducted in different part of the country. These have been duly submitted to the district and State authorities for action. One such instance of State action took place in Chhattisgarh. Based on the survey reports of Bageecha block in Jashpur district, presented by an independent research team, the State took the following stringent actions: the Junior Engineer, Rural Electrification Services, was suspended; notices

were issued to sub-divisional officers and other Junior Engineers wherein irregularities were found during the muster roll verification exercises

In Barwani district of Madhya Pradesh, 1574 persons were paid unemployment allowance for periods ranging upto one month. Total payment was of Rs 4,75,386. People from 8 villages of Pati block (Tapar, Piparkund, Amla -Piparkund, Ban, Kandra, Limbi, Kalakhet, Ubadagad) and 5 villages of Pansemal block (Malgaon, Jaliapani [including the villages of Jaliapani, Keliamba, Neelbavdi, Kanjiapani, which though all separate villages are clubbed as one village in the govt records], Umarbaida, Karanpura, Bhatki) were paid the allowance.

However, the Act is inflicted with the following implementation hurdles:

Absence of worksite facilities (such as safe drinking water, shade for children and periods of rest, first-aid box) is another noted problem that cuts across most states. Some reports from the field including Orissa (Kalahandi district), Chhattisgarh (Jashpur district), Jharkhand (Palamau district), Madhya Pradesh (Jhabua, Khandwa and Umaria district), Gujarat (Sabarkantha district) have reported complete lack of facilities at the worksites. But in Dungarpur district of Rajasthan it was heartening to note that medical kits were found at most worksites.

Contractors are increasingly becoming a threat to the NREGA also. Though it does not seem very clear from the surface, yet the private contractors are slowly finding their way into the system. The Act clearly states that no contractor is permitted in the implementation of the projects. Reports from the States of Chhattisgarh and Orissa point towards this emerging problem.

It is a rare opportunity when one finds the muster rolls at the worksites. Reports across the NREGA districts show that kuccha muster rolls/attendance sheets are being maintained by the mates at the worksites. Roughly kept notebooks/ diaries are being used for marking attendance and making wage payments at worksites.

Launching of the Act has not been accompanied with appointment of additional staff for its implementation, thus burdening the existing staff. At the panchayat level, the Guidelines had specifically advised appointment of a 'rozgar sevak'. Disappointingly, this has not taken place so far. Such dearth of staff is having an adverse impact on the working of the NREGA. A survey at Jashpur block of Chhattisgarh district found that sub-engineers were being burdened with the task of main- training job cards which implies that their primary tasks suffer.

Delay in wages has always been a matter of concern in previous employment programmes and continues to plague NREGA. Wage payments are delayed for weeks and sometimes for months. The time period of lag, however, varies from State to State. For instance, in Jashpur district of Chhattisgarh, delays of months were noted. In some places like Barwani district of Madhya Pradesh delay was for a period of 15 to 30 days. Delays were also noted in Manika and Manatu blocks of Jharkhand.

In many States, workers are not earning minimum wages. For instance, in Sabarkantha district of Gujarat wages are as low as Rs. 4 to Rs. 7, in Kalahandi district (Bhawanipatna block) of Orissa, workers are earning between Rs. 40-50, whereas the minimum wage is Rs. 55. Women are getting paid even less, about Rs. 30 per day. In some states like Jharkhand workers are getting paid as low as Rs. 10. The reasons behind payment of

less than minimum wages are varied. In some States the soil type is not being considered as a result of which the payment are getting affected. Following the system of *chauka* in some States like Jharkhand is also leading to lowering of the wage. Such continuous struggles have forced the district and State authorities to give NREGA the attention it deserves.

There has been a wave of civil society initiatives for reviewing the progress of NREGA at the local level. And this perhaps is the key to making the National Rural Employment Guarantee Act a success.

*(Tanushree Sood is Research Associate, Office of the Commissioners in the Right to Food case.)*

## BHILWARA SHOWS THE WAY

For watchers of India's grassroots democracy, the place to be in recently was Bhilwara in Rajasthan; the town and the countryside were decked out in carnival colours for an audit exercise that saw thousands come together — social rights activists led by Mazdoor Kisan Shakti Sanghathan's stalwart campaigners Aruna Roy and Nikhil Dey, NGOs, State government officials and Ministers, and observers from the office of the Comptroller and Auditor General of India.

The project under the scanner was India's showpiece Mahatma Gandhi National Rural Employment Guarantee Scheme, and the purpose of the social audit was to assess how the programme worked, if it worked at all. Naturally, it was democracy, warts and all, in exhibition, with commitment and dedication battling entrenched vested interests at every step.

First, the positives. The most striking thing about the campaign was its unflagging spirit. For close to a fortnight starting October 1, bands of social audit activists, among them farmers, labourers and schoolteachers, ate, breathed, slept and walked — yes walked — NREGA. A total of 125 *tolis* (groups) set out on foot across 375 panchayats, poring over muster rolls, job cards, cash books, technical sanctions and other NREGA documents. They carried out spot inspections, gathered feedback from beneficiaries, and took complaints right down to where it mattered — to the local post office that blocked payment of wages and to the sarpanch who, villagers fearfully whispered, had siphoned off NREGA funds.

The *padayatri*s drew no stipend, not taking even a food allowance, and quite gamely let on that “we were told we wouldn't get a paisa, and must ask for food from the villagers.”

For those of us in the media who had descended on Bhilwara straight from the elitist environs of Delhi, there was something unreal about so many young men and women toiling hard without expectations of a reward. Yet how could anyone miss the commitment of a people who trudged from village to village in the hot afternoon sun, singing and shouting NREGA slogans? *Sona chandi main nahi maanga; gadi, bangla, main nahi maanga; Limca, Shimca, Pepsi Cola, main nahi maanga; rozi roti, purna padhaiyee, photocopy; desh ka kharcha, kharcha ka hisab, main ne maanga* (I don't want gold and silver; car and bungalow; nor do I want Limca and Pepsi Cola; But I do want food, full literacy, photocopies and an account of public spending).

A bigger surprise was the Rajasthan government's drive and enthusiasm. The young District Collector of Bhilwara, Manju Rajpal, was on the job 24x7, making surprise checks, holding meetings late into the night, examining complaints and booking FIRs against errant panchayat staff. Banna Lal, the State government's newly appointed director of social audit, came with a formidable reputation, having unearthed a huge scandal in a food-for-work programme in Janawad in Rajsamand district. Also in Bhilwara for the audit was the State Commissioner for NREGA, Rajendra Bhanawat — again a tough taskmaster judging

by the steel he displayed at a meeting with zilla parishad Chief Executive Officers.

When a CEO quoted a village sarpanch as saying he needed to share his bribes with “people on top,” Mr. Bhanawat shot back: “Who are the people on top? I want the names.”

But this was not all. The Rajasthan Minister for Panchayati Raj and Rural Development Bharat Singh sat through five hours of *jan sunwai* (public hearing) on the social audit, and the final day saw the organisers debate the outcome of the audit in the presence of Union Minister for Rural Development C.P. Joshi. Mr. Joshi, of course, was brought by a personal reason to Bhilwara: It is his parliamentary constituency.

*Prima facie* it all seemed too good to be true. As a hack remarked, the selfless MKSS activists, the earnest Collector, a government that would go the extra mile to facilitate the audit, all recalled a 1970s feel-good Doodarshan documentary more than real-time India with its conflicts and confrontations.

Obviously, the Bhilwara project was not quite the glitchless, seamless mass movement it appeared to first-time observers. Behind the impressive grand finale was a history of struggle for accountability in public spending. The MKSS had met with resistance in all its previous social audits in Rajasthan. In 2008 in Jhalawar, MKSS audit members were brutally set upon by village officials. The Bhilwara audit was itself preceded by days of dharna by sarpanchs (village heads) who feared being held to account. And though they came around eventually, the truce turned out to be fragile. In a lot of places, the records had to be wrested from reluctant panchayat officials. There were also showdowns between the sarpanchs and the auditors at many of the *jan sunwais* held on the penultimate day. In Baran village, a young woman auditor who reported irregularities in NREGA work was heckled by sarpanchs who told her plainly that she was a busybody. In Taswaria, the village heads insisted on being spared punishment for wrongdoing, unmindful of the presence of Minister Bharat Singh.

The social auditors confronted irregularities almost everywhere, and these went well beyond the expected complaints around delayed and stalled payment of wages. Job cards, required by law to be in the beneficiaries' possession, were routinely withheld by the panchayat staff, resulting in NREGA workers not being able to claim what they earned. NREGA is premised on simple transparency, an example being the use of village walls to display work and payment details so that these become public knowledge. Yet the auditors repeatedly found fake muster rolls, bare walls and misplaced job cards. The material used in construction work was substandard and record books showed inflated figures against usage.

In the villages in Panchayat Samiti Hurda, the auditors were stonewalled by a vexing collusion between the panchayat staff and a powerful section of villagers for the use of JCB earthmovers for digging trenches. NREGA's cost components are just two, labour and material, with asset creation being the end product.

Yet because the programme's primary objective is labour employment, machines, which would speed up asset creation, are excluded from it unless justified by impossibly difficult terrain. Even in such a situation, machines must be separately accounted for and not adjusted against material costs.

The sarpanch-villager collusion worked like this: The sarpanch and his acolytes would hire the JCB machine to cut down time and labour, yet fudge the record books to show full employment and extended periods of work, thus earning huge sums of money for no labour at all. Obviously, the conspiracy excluded the bulk of the workers in whose names the wages were drawn. When social auditors brought up this point at the Taswaria public hearing, they were shouted down by the sarpanchs and their supporters, all insisting that they were not up to doing tough NREGA labour. One villager challenged MKSS functionary Shanker Singh to do the labour himself.

Mr. Singh tried reasoning with the angry gathering. Using limericks and humour, he argued that the JCB was not an innocent machine but a precursor to big corporate giants eyeing the NREGA's vast funds. "Mind you, the minute corporates come in, NREGA goes out," Mr. Singh said, comparing the situation to the story of the mouse and the fat man. The man was unperturbed when the rat ran over his belly but in reality the

rodent had shown the way to snakes and scorpions that would surely follow. As Mr. Singh explained to *The Hindu*, in Rajasthan alone, an estimated Rs. 9,500 crore will be spent on NREGA in 2009, making the programme lucrative for big corporates. If they came in, the NREGA would cease to be a wage employment programme.

The roadblocks that the Bhilwara social audit teams faced cannot however detract from the achievements of the exercise, which for the first time ever united two sections conventionally at loggerheads: civil society and government. And obviously the irregularities we witnessed in Bhilwara were nothing compared to the situation in other States where NREGA was struggling to get off the ground.

Reluctant as the Bhilwara sarpanchs were, they produced the account books in the end, enabling the audit teams to understand how the system worked and plan for future improvements.

As Ms Roy explained, "Yes, there are irregularities but I would think these form a small proportion of NREGA work. More to the point, through years of struggle we have institutionalised a system of transparency in Rajasthan which ensures against big scams." Mr. Dey saw the audit as a prototype for NREGA assessment elsewhere in the country. "We have shown that given political will, resistance can be beaten down."

## STATE GOVT BETRAYS BHILWARA

Aruna Roy & Nikhil Dey

*The high hopes generated by the massive exercise in social audit of NREGA operations in the Bhilwara district of Rajasthan were described in the previous issue of Transparency Review. A notable factor was the involvement of senior local officials. But the State Government has changed its approach, presumably under pressure from local bosses. The text of a letter addressed to the Chief Secretary by Aruna Roy and Nikhil Dey, for the MKSS and the Suchana Evam Rozgar Adhikar Abhiyan, follows*

Dear Shri Srinivasan,

We wish to express our objection and dismay at the sudden termination of Social Audits in 16 Districts in Rajasthan through government orders issued on 27th November 2009. We also write to convey our concern about the sequence of events leading to the Government indefinitely postponing the social audit gram sabhas scheduled in 16 panchayats of the state on the 28th of November 2009. This has come on the heels of a series of attempts from vested interests to somehow stop this process. The government order dated 27th November 09 will lead to the undermining of the recently initiated nascent social audit process in the State.

The Chief Minister of Rajasthan, Shri Ashok Gehlot, has on several occasions expressed concern about the reports of growing amounts of corruption in the NREGA. As you are aware he invited us and all civil society organisations to aid the government, in establishing systems that would prevent and fight corruption and inefficiency. It has been clear to both government and civil society that one of the most important measures to institutionalise anti corruption measures is an open and effective social audit system- which incorporates the essential need for transparency and accountability.

By definition, any audit process involves the presence of people other than those who have been involved in the actually implementing the programme. They are, most often, people from outside. The social audit is a collaborative exercise between government and citizens groups to establish norms and systems of transparency and accountability to the people. The social audit is itself a vital process for fighting both corruption and the

arbitrary use of power that is rampant in the government and all systems. There can be no justifiable opposition to the democratic participation by anyone in the social audit process.

Its difficulty in fact lies in ensuring that people are given a chance to know what has been spent in their name, and give an honest feedback **free from fear or intimidation**. It is incomprehensible therefore that there should even be a debate about the involvement of anyone who is willing to aid the process. It is only with the aid and support of independent groups that the gram sabha initially and for sometime to come, be in a position to be properly informed about what lies in the records, and what has been found during field inspections. It is no secret that in many cases the Gram Sabha still continues to be controlled and manipulated by a powerful elite.

The District social audit in Bhilwara, held at the invitation and planning of both the State and Central governments, was an eye opener in revealing the shortcomings in implementation, and the importance of social audit in bringing the truth into the public domain and beginning an effective corrective exercise. The few instances of immediate action by the district administration caused sharp reactions from those elected representatives and officials responsible for the shortcomings in implementing the programme. Based on the governments suggestion the social audit process be initiated in the remaining districts through model social audits in one panchayat in each district, the Suchna Evam Rozgar Adhikar Abhiyan and its many constituent groups took a decision to accept the governments request for support in building a collaborative process. The details of this collaborative effort in November and December was taken in the NREGA SAMVAAD held

between Government and civil society groups. It is important to point out that the participation of civil society and citizens groups is on an honorary basis.

It is unfortunate that civil society groups have been sidelined from the process under pressure from vested interest groups. The social audits themselves will be conducted by the gram sabha. However, in being aided with demystified information and field level reports the gram sabha, assistance should not just be allowed; it should be encouraged and enabled. That is crucial to break the stranglehold of corrupt vested interest groups over the implementing agencies and the gram Panchayats in certain areas.

The first attempts at the political and bureaucratic mobilisation at the grass roots of the Sarpanches and the Gram Sewaks should have been strongly negated by the government, and action should have been taken -particularly against the Gram Sewaks who are civil servants and therefore, cannot go on strike or disobey government orders without the concomitant reality of losing their jobs. Gaining strength from the overt display of helplessness, more mobilisation has taken place.

It was a Government decision that Social Audits must take place in all the 16 Panchayats in 16 Districts. However, despite flagrant opposition to the social audit process, in Alwar, Barmer, Jaisalmer, Chittorgarh, Rajsamand, Udaipur, and some opposition in certain other districts the government failed to impress that strong action would be taken against those who prevent government from implementing the law. The Government acceded to the demands to disallow any one other than the Gram Sabha members to speak or participate at the Gram Sabha to be held today (28th November 09 ) by removing even those members from the social audit team, **that the government had itself nominated.** Government and the CM made statements from all platforms re-assuring the people that there would be zero tolerance to corruption. But members of the State cabinet and other important leaders and government officials, were seen working against this process, which was a live example of zero tolerance to corruption.

The Social Audit Directorate was set up in Rajasthan with the announcement that it would be based on the "Andhra Model". This process succeeded in AP because Ministers, MLAs and others were exposed to Social Audit and were told categorically that this process could not be stopped :

- Non compromisable and strong political position that there could not be any corruption in the NREGA and to keep its commitment to the rural poor, the main promise in this flag ship programme.

- To ensure that Social Audits happened without any disruption. Senior officers were present and **provided a platform where any one could speak and help the gram sabha determine the truth. Anyone testifying without disrupting proceedings was allowed to participate.**

- Social Audits are declared to be like elections where there is no question of stalling or preventing them from being held.

- If any one tried to stop the process they were booked under the law which proceeds against those who prevent a public officer from doing his/her duty.

- The government audit is also conducted by an outside team. This time because field level verifications were taking place even government people were being prevented from carrying out the audit.

- There is fear amongst many prominent leaders, that the ruling party in Rajasthan will suffer politically, if it proceeds with this programme and expose corruption. But the experience in AP does not prove this fear.

- In AP the same set of officers have been in place for 5 years and more, looking after NREGA. In Rajasthan however, the officers who have come and learnt about processes have been moved from their job and with every move there is a lack of stability in the implementation of the programme.

- This is despite the CM and the Minister RD and Panchayati Raj Rajasthan, supporting and promoting the social audit process. The Government will have to re-visit the process with other supporters to plug all loop holes.

- It is not just a matter of corruption. There is a general lack of awareness about the NREGA, and the social audit process helps greatly in increasing awareness of the administration and the people.

We would like to point out that public audits are a basic democratic constitutional right of all Indian citizens. No citizen can be prevented from accessing information and verifying records against ground realities. It is the duty of the government to protect any public spirited citizen who is facing intimidation in carrying out this process. Now there are inviolable rights under the Right to Information ( RTI ) Law.

When this intimidation takes place against the state social audit effort, the rule of law is undermined even more. We urge the government to :

- Immediately take strong action against all, those who have been opposing the social audit process through intimidation and illegal action – eg the gram sewak of Madhogarh Panchayat in Alwar disappeared with the records so that they could not be social audited. Public records cannot be stolen without grave consequences.

- Announce the dates for the social audit in these 16 panchayats as soon as possible. The preparatory process should also be in strict consonance with court orders which state categorically that records should be made available for open inspection etc. The Social Audit should now be held 30 days from the date when the government took the decision to conduct these 16 social audits and announced its schedule.

The preparatory process of sharing information and disseminating it with the citizens of the concerned panchayats should continue.

- Any shortcomings seen by government staff during this process- including those recorded so far, should be acted upon immediately.

- The government should insist that the commercial taxes department take strong and immediate action against all those unregistered firms who have not paid VAT and other taxes while supplying material to the panchayats for NREGA.

- An immediate report be presented about how many of the 16 panchayats have not completed the wall painted information boards as per the orders of the state government of 20th April 2009. Action should be taken against authorities in all these blocks if this work is not yet complete

- The 20th April orders were to have been complied with across the state by 20th May. Despite many reminders these have not been complied with. This is a clear indication of the non- seriousness of the government on issues of transparency and accountability at implementation and supervisory levels

We would be happy to discuss any of these issues with officers handling these matters, and would like to reiterate that social audits require the coming together of people within and outside government to establish transparency and accountability in development programmes. We look forward to hearing from the Government about its decisions in this regard.



## ALL THE NEWS THAT'S FIT TO BUY

S. Y. Quraishi

Over the decades, the approach to news has changed quite a bit. But these changes have largely related to presentation and formats. In the increasingly competitive media world, we have come across terms like morning news, evening news, prime time news, headline news, latest news and more recently, breaking news. But paid news? This coinage is the epitome of anti-news. Paid news is downright unethical, and sinister. The malaise has now gone deep, and cuts across print and electronic, regional and national, vernacular and English media.

We at the Election Commission are seriously concerned. Many of us have been dealing with the problem of surrogate advertising for a while. Some instructions are in place to prevent stealthy advertising in favour of or against candidates. The success in this has only been moderate. But the new camouflage for advertising is "news". To some extent, the menace has played out its role in manipulating real estate and the stock market; but this is not my official headache. We feel directly concerned with the infiltration of this evil into the election arena. We realise with all seriousness the impact of this malpractice. It is against free and fair polls. It could derail democracy.

Paid news is not free speech. The commission is concerned about the undue influence that paid news can create in the mind of the voter. The voter's right to correct and unbiased information needs protection. Our second concern is that paid news hoodwinks the enforcement of the expenditure ceiling, a key component in election management with particular importance for a level playing field.

I am happy that most political parties are speaking against paid news. I am even happier that there is a conspicuous uprising against it within the media. Not

surprisingly, the protest is led by women and men from the editorial desk, because it is their space and their freedom which is in maximum danger. It is heartening to note that the government and Parliament are also seriously engaged to find a redressal. The churning is healthy and holds out hope.

Friends in media and politics have suggested that the Election Commission is powerful enough to deal with this problem. Well, we have some powers defined by the Constitution, acts of Parliament and judicial pronouncements. We have to work within these. Our control runs only during the election period and applies generally to political parties and candidates. Politicians are most powerful. Members of Parliament alone have the power to legislate to bring the culprits of paid news to book. But, it is the media, which, to my mind retains absolute power, derived from absolute freedom. In my estimate, the problem of paid news is best addressed by self-regulation that lends legitimacy to absolute power anywhere. The commission would again call upon politicians and media to press the delete button on paid news through active self-regulation.

Of course, this would require consensus building. Fortunately, in our country, a good cause or a good piece of legislation brings even opposite camps together. Our model code of conduct during the elections is a shining example of restrictions voluntarily accepted by all political parties. This is a unique Indian institution that makes election managers across the world envious. Can there be a code to check the destabilising activity of paid news?

Paid news is like a snake whose hood is down and tail underground. It is not easy to pull it out. There is circumstantial evidence of all type, but little proof. I

am happy that the Press Council is finding ways to deal with the element of deceit in paid news. The commission has lent support to their consultations and will do more, if necessary.

As I have often said, in the multi-dimensional mandate of election management, every problem has a solution, but often a good solution leads to a new problem.

After serious consideration of the public damage caused by some campaign methods, the commission put some restrictions on wall writings, hoardings, loudspeakers etc. The question as suggested by some

is, has the strict enforcement of defacement laws led to this worse sickness of paid news in the election arena? More importantly, has it denied a level playing field to those candidates and political parties, who by force or by will, are not accomplices in paid news?

In India, the media is one of the strengths of the Election Commission. With all responsibility, I have to state that media has all too often been our eyes and ears in the conduct of elections. I fervently wish that the alliance between the Election Commission, political parties and the media, which fortifies the world's largest democracy does not weaken in the shadow of paid news.

## HOW TO FEED YOUR BILLIONAIRES

P. Sainath

*Freebies for the IPL — at a time of savage food subsidy cuts for the poor — benefit four men who make the Forbes Billionaire List of 2010 and a few other, mere multi-millionaires*

And so the IPL fracas is now heading for its own Champions League. Union Cabinet Ministers, Union Ministers of State, Chief Ministers (and who knows a Governor or two might pop up yet) are being named as people trying to influence the bidding process. Both houses of Parliament are in uproar. The taxmen have launched a “survey.” Many in the media and politics are happy to reduce it all to issues of propriety or personality. For, the BCCI-IPL is one platform where the Congress and the BJP cohabit, normally with ease. Big money is, after all, a secular, bi-partisan space. (Or tri-partisan: let's not deny the central contribution of the NCP to this phenomenon.) It's also interesting that the media, though now compelled to give the IPL's underbelly some coverage, are still reluctant to ask larger, harder questions. To go beyond their Modi-Tharoor feeding frenzy. And to avoid induced amnesia.

It was just 10 years ago that cricket was rocked by the game's biggest-ever match-fixing scandal. That too had its centre of gravity in Indian cities, and involved Indian bookies and Indian businessmen. But along comes a new hyper-commercialised version of the game. It has scandal-waiting-to-happen written all over it and the media say “wow! This looks great,” promptly going into the “willing suspension of

disbelief” mode. This venture had the right names, high glamour and, above all, big advertising and corporate power. There were obvious conflicts of interest (apart from what it did to cricket, the game) from day one. Here was Big Business in open embrace with its political patrons. There were also those who did not give the public office they held a fraction of the time or importance they gave to the BCCI-IPL. But few serious questions came up in the media.

Now there's a forced discussion of opaque dealings, bribes, and “we-know-how-to-deal-with-you” threats. Of shady investors, murky dealings and, possibly, large-scale tax evasion. Of franchisees alleging they were offered a \$50 million bribe to exit. Or claiming that a Union Minister warned them to withdraw from the rodeo with grave threats. It all leads to things much bigger than Modi versus Tharoor or issues of “impropriety” (a nice, genteel word). Leave aside the narrow money details or the fact that some franchisees are thought to be losing tens of crores each year. Skip the fact that despite those losses, newer franchisees between them put up over Rs.3,000 crore for two teams that don't exist. Only a tiny band of journalists have at all shown the scepticism demanded of their profession. These few have stuck at it gamely only to find themselves

isolated, mocked as party-poopers and the recipients of threats and abusive mail.

How about questions on public subsidies going to some of the richest people in the world? The BCCI-IPL cost the public crores of rupees each year in several ways. The waiving of entertainment tax worth Rs 10 crore -12 crore for the IPL in Maharashtra alone was discussed in the State's Assembly. It was little reported and less discussed in the media. Maharashtra has extended other support to the IPL, which is yet to be quantified. This, despite being a State whose debt will cross Rs. 200,000 crore in the coming year. And there are similar subsidies and write-offs extended to the BCCI-IPL in other States, other venues.

A whole raft of concealed freebies from public resources to the BCCI-IPL is also not discussed. We have no picture of their full scope. No questions either on why a public sector company should be billing itself as the "sponsor" of a team owned by the fourth richest man in the planet. No questions asked about issues ranging from super-cheap land leases and stadia rentals and low-cost stadia security. We don't even know what the total bill to the public is: just that it is probably in tens of crores. We do know that these supports to the IPL from public money come at a time when subsidies to the poor are being savaged. But we don't want to go down that road. An inquiry into the IPL must cover the BCCI as well and must record all the open and hidden write-offs and subsidies that both get.

Who stand to gain from the public wet-nursing of the IPL? Among others, four gentlemen who make the Forbes Billionaires List of 2010. Three of them are team owners and one is a title sponsor. All dollar billionaires and long-time residents on the Forbes List. Then there are the mere millionaires in the shape of Bollywood stars. For all these and other worthy people, governments bend over backwards to make concessions. Even as they slash food subsidies in a period of rising hunger. Big time partying is an integral part of the IPL show. Only look who is paying for that. Street argot has already begun to brand the IPL as Indian Paisa League or, more directly, India Paisa Loot.

But the BCCI and the IPL preside over huge sums in advertising. So even when the IPL angers the media

by pushing them around on coverage restrictions, the media cave in. The larger silence continues. The strongest criticism of what has been going on (till the Kochi chaos) has come from Sports Minister M.S. Gill, an old-fashioned cricket lover actually worried about the game. Not from the media that cover the IPL. He has criticised the tax concessions and security subsidies that have hurt public security in the cities concerned while the IPL is on. It's also worth pointing out that Mr. Gill is the one Minister (of the four Ministers on your TV screens in the present drama) actually connected with sports in a legitimate way — and not tainted by scandal. But maybe that's natural: the IPL has little to do with sports.

The Sports Minister pointed out a long time ago that there were dangerous conflicts of interests at the top levels of the BCCI-IPL. He also told Karan Thapar on television that he found the idea of "letting off tax" (waivers for IPL) quite unacceptable. "This is a poor country. I never forget that. There is a huge deficit in the budget even this year ..." And went on to say that: "when business is earning it in the shape of these teams and whatever the structure, I think the legitimate tax should be taken and should be used for the country maybe even for sports, other sports." Far from that happening, we are taking it from the public and handing it out to the billionaires.

Fire brigades in the cities have been muted or overruled in their objections to the IPL's 'hospitality boxes' (where seats can cost you Rs. 40,000) as fire hazards. But some of these tickets also get you to a late night party with IPL stars and other dubious benefits. Some have raised the question of what this does to the players' performance the next day. But the party goes on. Nothing could be further removed from the lives of the 'cricket crazy public' — whose supposed interests are invoked for every new spin to the game. IPL does not come cheap.

Mumbai's elite recently preened themselves on Earth Hour where the city saved some power by switching off lights for 60 minutes. Great savings could be made if all IPL games were played in daylight. There is something ugly about that much electricity consumed by a private profit entity (guzzling public money) in a season when Marathwada and Vidarbha suffer 12-15 hour power cuts. Something that always devastates the performance of their

poorer children in the examinations. They could end up having (on paper at least) a Right to Education, but none to electricity.

With the IPL comes the convergence of the most important media trends: the ABC of Media — Advertising, Bollywood and Corporate Power. Corporate barons and Bollywood stars own cricket teams. One IPL team is owned by a newspaper. Other dailies have become ‘media partners’ of IPL teams. Some Bollywood stars have ‘promotional agreements’

for their films with TV channels who disguise their paid-for gushing over those films as “news.” Once national heroes, cricket’s top icons are now ‘capital assets’ of the franchise owners. Once proud of their disavowal of tobacco and liquor advertising, the icons now plug for the latter in surrogate form. And are linked to the former in other ways. And a once great game moves from heartfelt public ownership to a pocket-driven private one; from a national passion to a hyper-commercial nightmare.

## OPERATING ABOVE THE FAULT LINES

Mrinal Pande

*Tectonic changes are under way beneath the Indian media space. The challenges need to be met up front*

The memory most of us associate with the media of the last decade is that of unfettered growth, when the lists of India’s most-read dailies and most-watched television programmes comprised only vernacular-based products. MPs began waving copies of Hindi dailies in Parliament, demanding action on issues raised in them. The mighty Microsoft was working furiously to attain compatibility with India’s vernaculars, and Google was urging major Hindi dailies to allow it to put their content online. It all seemed to point to the dawn of a more democratic and more reader-centric era in the Indian media.

But almost 10 years into it, enlightenment remains elusive. Many of the increasingly market-driven dailies are diluting editorial authority and their marketing teams are seeking to carve out newer and cleverer ways of inserting paid-for advertising disguised as news. What has happened? How did patterns of political and corporate corruption that India’s free press exposed and attacked for over half-a-century, suddenly become a shared future?

By now it is clear that the media and the socio-economic setting in which they operate are two different things. A certain adversarial relationship between the media, on the one hand, and political parties and corporates, on the other, was once seen by media practitioners as a basic rule of their turf and one was expected to verify everything handed in by any source other than one’s own. But as the media business proliferated, this rigour has lost its intensity. It would be too deterministic to say that Indians are

programmed to initiate systemic corruption, but there is ample historical evidence to show that instances of secret deals between politicians and media owners to scratch each other’s back have not been rare.

The violent revival of age-old caste, communal and, most recently, gender-based divides would surely qualify as the sociological equivalents of a tectonic upheaval in a supposedly modern socialist republic. Today, most of the major media houses are happily inviting outside capital. Some owners have become editors. Many editors have opted for partnerships. With this, relations between media practitioners and their erstwhile adversaries have begun to assume the character of a Great Game, enjoyable but non-life threatening. Even the language of reporting reflects this: editorials on coalition politics talk of falling dominoes, theorists frequently build Test cricket models of party politics, observers of caste-based coalitions talk almost admiringly of the intricate games of chess being played in State capitals. Implicit in all this, however, is an assumption that the playing field will always remain level, and that no matter how intense the mutual suspicion between the press and the ruling parties, neither side would ever think of hurling the chess pieces out of the window and walking off after ripping up the board.

It has taken the seismic jolts and the ugly eruption of the paid news phenomenon to make the media world realise how deep the rot has spread and how it can no longer take for granted the stability of time-tested journalistic systems. Like the earthquakes that

hit Indonesia or, more recently, Haiti, the paid-news syndrome has a long subterranean past. It originated along an old and deep fault line that has run under the entire media system between the twin tectonic plates of economic globalisation and political fragmentation. The pressures generated by frequent friction between the two had been building up for decades: ultimately they threaten just about every branch of the media. The vernacular media being the least secured among them, their infrastructure is simply the first to crack up.

Restraining corruption, as unleashing it, requires both capabilities and resolve. This was hard during the days of one-party rule with a protected mixed economy. In the age of liberalisation, with so many groups competing for a fast-opening Indian market, regional media houses that have, or are about to, go public, will face their own Catch 22 situations. Should they stay small and risk being pushed out by the multi-edition T. Rex versions from the Hindi belt? Or should they also mutate and multiply and join the gang? If they survive as regional players, someday they may be in a position to counter the decline in journalistic morals that has been ushered in by the mega-media houses. But like the old Soviet Union, even then they will accomplish this only by ceasing to be what they are.

For the time being we will be better served by some sort of tectonic thinking. Since the simultaneous pursuit of both democracy and larger market shares results in straddling a fault line, it would be foolish not to prepare for frequent seismic jolts of varying intensity. For this we will need to go back to the legal system and demand a redefinition of the ownership of news in the print line. In all media outfits today, advertisement rate cards are being created, agencies are being solicited, and various kinds of group advertising are being handled entirely by the marketing

managers. Under such circumstances, how can the editor alone be held responsible for the questionable advertisements appearing in the newspaper? Advertisements, as we all know by now, are now sent into the production system through an SAP (software) dummy without so much as a by-your-leave to the Editorial Department. At the time of assembling the day's newspaper, all that Editorial knows on any given day is how much space is marked out for advertisements on each page. To complicate matters further, multi-edition vernacular dailies have a different local versus national advertisement ratio for each up-country edition, which the area unit manager organises through the seasons. His or her promotions and annual bonus depend on the volumes



that are delivered, never mind if he or she sometimes bullies the stringers and local correspondents into soliciting advertisements through their local 'connections.' Given this situation, it is time the media reinforced the bleachers by demanding that the name of the Advertisement Manager and/or the area unit manager be included with that of the resident editor and the publisher in the print line for each of the regional editions.

No one denies the need for better advertisement revenues today. However, it should be conceded that this need is sharpened to a large extent by the artificially lowered cover prices of many newspapers and the hefty commissions paid to vendors who deliver them. Here the big publishing houses with deep pockets tilt the field easily in their favour and drive out the small local players. Since the consumers of the dailies in the vernacular are typically paying more money than the readers of English language papers, and still get fewer pages, media establishments must create and enforce inviolable advertisement-editorial ratios, ideally around the principle of 70 per cent editorial matter to 30 per cent advertisements. The keyline at the top of each advertisement, the fonts used for the text and the general layout must show

clearly that it is a sponsored advertisement, not part of editorial matter.

Another under-reported fact is that the upcountry editions of most Hindi dailies are run largely by clusters of “stringers” and “super-stringers.” They are not accredited journalists and most of them receive a pittance as allowance or, in some cases, just an identity card establishing their bona fides as the representative of a particular daily. However, most of them are compensated by a hefty commission to solicit local advertising on behalf of the area manager. Since the regional pages are transmitted electronically at the last minute to the print location closest to the area concerned, so all local news could be mopped up, they arrive at the editorial desk with just minutes to go for the edition to be sent to press. This opens the floodgates to paid news in some of the least editorially policed editions, local or national, especially at election-time. The role and recruitment patterns of

stringers, therefore, merits close scrutiny; clear guidelines need to be issued to media houses.

In order to ensure the health of the media, there is an urgent need to balance the priorities. The prerequisite for this is developing a perception of the whole, and a greater feel for the actual dynamics of the media industry: the essential relationship between the editorial and marketing teams, between the editor and the professional chief executive officer, between the lowly rural stringer and the modem operator, between the field reporters and the editorial desk.

Recent deliberations about censorship and a code of ethics for journalists reveal that political behaviour towards the media has been changing. There is a gradual but irreversible trend towards self-governance and away from authority by imposition. Given this fact, it is not altogether impossible that the tectonic force of democracy may begin to counter that of the globalised markets in the future.

## NOOSE MEDIA

**N**obody can figure out a growing public opinion faster than two very diverse, distant sets of Indians: Mumbai film-makers, and the political class. Both now believe that there is a growing disapproval of the news media, you better take serious notice. Ram Gopal Verma’s *Rann* represents a turning point in Indian popular culture, as an entire mainstream Hindi film built around the theme of condemning the news media. It was preceded by *Paa*, where Junior Bachchan also draws applause in small-town cinemas when he tells his progeria-stricken son that he no longer need worry about predatory media, interested “only in their TRPs”, because he has secured a ban from the high court. This is a significant shift because, until fairly recently, journalists were generally seen as decent folk in our popular culture, along with judges and soldiers. Is Bollywood, therefore, raising a red flag for us?

If Bollywood has spotted the trend, others have followed on cue. The latest Fevicol campaign, for example, is titled “Breaking News” and is a brilliantly funny lampoon of what is often derided as TV news channels’ unfettered and ridiculous definition of just

about anything as “breaking news” or “exclusive”. From one laughter show to another, stand-up comedians make fun of TV journalism. In one particularly funny one, the funny man, actually a very funny man, does an entire act in which a TV reporter’s first response, from birth to death, is the question “aapko kaisa lag raha hai?” — which is the most used stereotype to describe dumbed-down journalism, so popular that even a broadsheet daily newspaper has used the same metaphor, of a dumb TV reporter asking the widow of a hooch tragedy the same question, to underline the distinction between lousy journalism and theirs.

The fact, however, is that most TV journalism is neither lousy, nor dumb. In fact the growth of live news TV over the past decade has brought in an entirely new, marvelously energetic, enterprising and brave dimension to Indian media. For the old world of print media, it’s been a great force multiplier. Nor is the larger profession of news media, whether TV or print, dishonourable, compromised, filled with paid news or entertainment passed off as news. Nor is it all about snakes marrying trees; “wisdom” on how Shani (good old Saturn) can wreck your life if you do

**Shekhar Gupta**

not propitiate him every Saturday (I better be careful, actually, National Interest appears on Saturday and Shani may just be reading); hour-long shows on how the world may come to an end “next week” and other such delightful rubbish — my favourite, as an animal-lover, being “Tenduye ka root canal”. Now I am blessed with a wonderful dentist, but maybe there are millions of others who might want to see a leopard chew up the hand of their dentist as he probes deep in its mouth with the killer drill.

All these examples are real, but they still do not characterise TV journalism, and journalism overall. Yet, why is this muck sticking? Why is it that, whichever audience you may have spoken to in recent times, ranging from an auditorium at National Defence College packed with the brightest officers of our three forces of the rank of Brigadier or equivalent, to an audience of predominantly tribal intellectuals and bureaucrats in Shillong Club in the distant Northeast, the questions you face are all about the same, on the “media dumbing down”, mostly on news TV?

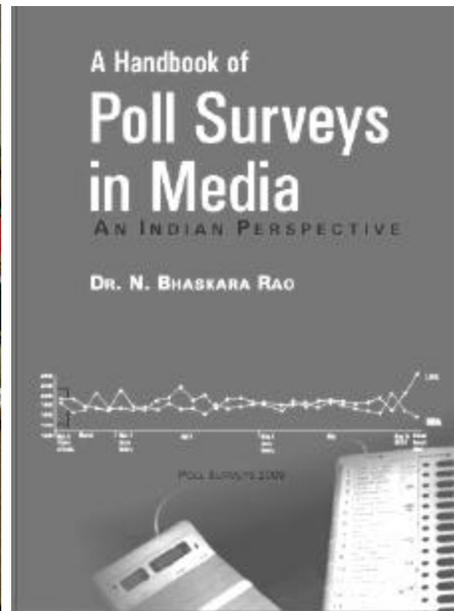
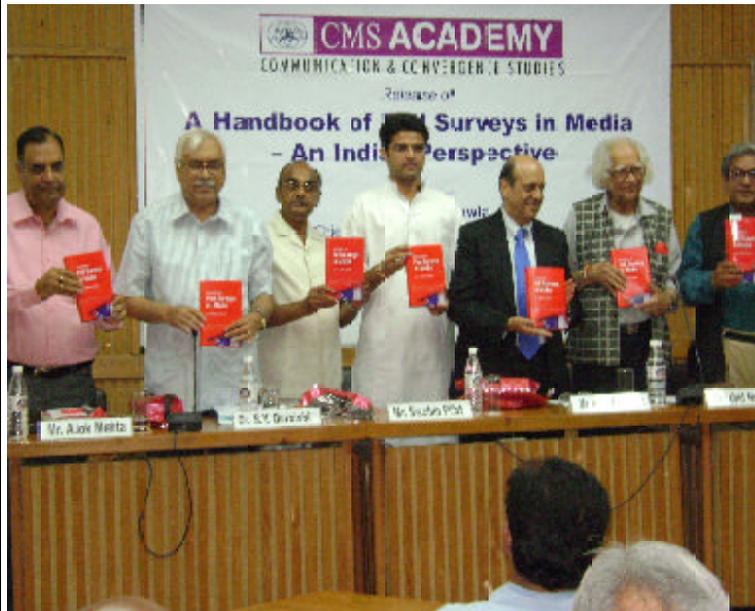
Usually this happens when public revulsion at a phenomenon reaches a critical mass. People then tend to accept any generalisation, and paint everybody in the business or the profession they do not like with the same brush. It is as they do with the political class. Further, once such a view gets entrenched in the popular mind, it is tough to dislodge it. The problem now is that the political class is too sharp a reader of the popular pulse to miss this growing anti-media clamour. It is, therefore, sharpening its knives. At least three standing committees of the two Houses of Parliament have produced reports damning the news channels for sensationalism and inaccurate reporting, and demanding laws to “regulate” them. Several high court judgments have already reflected a similar view. All this is adding up in the thickening files of the I&B ministry. And while Ambika Soni has seen the traumatic period of the Emergency first hand and would never be seen to be interfering with editorial freedoms, she will tell you how pressured and lonely she feels every time this issue is discussed in Parliament, and MPs, cutting across party lines, demand blood.

The political class cannot be faulted for feeling that this is their moment to get even with the media. Normally they would never have dared to even suggest this. But now they feel a change in the public mood, and therefore, an opportunity. What can be better than a legislatively-mandated regulatory or supervisory body to keep the media within the “norms of decency and accuracy”. In other words, in control.

The politician is smart, and knows that the freedom of the press in India is not specifically mandated or guaranteed, either by the Constitution or any specific laws. There is the overall freedom of expression under Article 19 of the Constitution and then a wide range of court judgments in the past many decades protecting and expanding press freedom. In fact it was precisely when these freedoms were denied, during the Emergency, that the people of India overwhelmingly embraced the great notion of total press freedom. This, in fact, became one of the greatest social contracts to arise in the course of India’s democratic evolution.

It is this social contract that is now under threat, and all because of the greed and the cynicism of a few who allow the wall between news and rumour, entertainment or superstition to vanish, or sell news time, or space (in the print media), for money. This social contract was back-stopped by the judiciary. Some of that is being questioned now. Two years ago the Supreme Court set up a high-level committee under Fali Nariman, including jurists, top I&B officials and media seniors (including this writer) to debate the regulatory issues arising out of the media’s “sensationalist” and “provocative” coverage of the Gurjjar agitation in Rajasthan, and to suggest correctives. Like many other committees, this too has happily lost its way. But it is worth noting that in the 60-year history of the republic, it was perhaps the first time that the Supreme Court had felt constrained to take an initiative to regulate, if not control or curtail, press freedoms, rather than enhancing or strengthening them. For all of us in the business of journalism, in all media, warning bells can’t ring louder than this.

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

**Dr. Abid Hussain**

*Former Ambassador to USA, October 16, 2002*

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## TRANSPARENCY STUDIES

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

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- Publishing and distribution by electronic mail of Transparency Review, a journal designed to publicise news, articles and documentation concerning developments in Right to Information and the overall interface between governance and society. Priority is given to right to education, especially of children; right to work; right to justice and associated human and social rights, especially at the grassroots.
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