



Transparency Review

Journal of Transparency Studies

A Rights Regime & Transparency Era on the Offing!

As a nation of Billion people, India is truly at a turning point. Three recent developments help consolidate this changing face of India. Together they help deepen democracy, unleash good governance, expedite development and narrow the divides. However, how soon and how well all this happens depends on civil society, political parties and news media. All that they need to see is that recent laws in this context are implemented, with some seriousness!.

These three fronts are: (1) legislative provisions for the rights of citizens; (2) initiatives for transparency in public affairs and services and (3) a more proactive news media.

Six years ago, the rights regime took off in the country with Right to Information (RTI) Act. It has now become a national movement and has set an example for such other legislations. Thanks to the kind of efforts to diffuse and deflate RTI Act during these six years. Each time there was such an effort, from whatever quarter, the more power the movement derived. Some 5000 activists at grassroots civil society are ensuring its implementation. Since then a series of Bills assuring rights for basic services have been taken up. These include Right to Employment, Right to Education, Right to Food, Guaranteed delivery of Public Services, etc. Each of these also need to acquire their footprint and ground.

Whistleblowers Protection Bill, Grievance Redressal Bill, Judicial Accountability Bill and of

course the Lokpal/Lokayukta are going to further help reinforce a rights regime and the transparency era. India should be a county not merely of much legislation but also the one which ensures social justice, equity and good governance.

Even regulatory agencies like Human Rights Commissions, Vigilance Commissions, Consumer Redressal Councils and such similar bodies at State and Centre are now repositioning themselves with proactive initiatives and gearing up to cater to a more active citizenry.

We are in a transparency era not only because of the kind of Rights provided for, but for the breakthrough that the country has achieved in ICT field and the way they are being pressed into to serve the public. Tele-density and penetration of computers and the way they are enabling and empowering people of all walk and locations in the last couple of years and the extent was not envisaged before. So also the potential of social networks on their own and alliance with news media.

With a hundred million people already participating in this new movement, we could expect that regime of rights becomes a reality much faster. The plans for next couple of years for broadband and digitalization will further flatten that access and implementation.

Hopefully the most potential provision of RTI Act - Section 4, which make suo-motu disclosure obligatory, will receive a priority and concern in

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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.

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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implementation. With the e-governance initiatives already in the pipe line, The Electronic Delivery of Services Bill, expected to be passed this Winter Session of parliament, is also going to give a big push to all this.

The news media of the country, unleashing itself in recent years, is further fueling transparency in the public affairs of the country. And, in turn, news media themselves are acquiring a new momentum – despite riddles involving their conflict of interest that often limit their very potential. But together with the new (social) media, news media – particularly newspapers and television news channels – could unleash a rights regime and a transparency era to farther corners of the country. CMS Media Lab’s analysis of media coverage of

corruption in 2011 offers a new hope for active media role.

The RTI movement at the grassroots now need to transform itself and broad base the scope of concern so that the activists keep up their interest and demonstrate a difference around the area of their field operations. These activists also need to take on Social Audit (SA), Service Guarantee (SG), Citizen Charter (CC), Section 4 of RTI, Grievance Redressal (GR) along with the new media and news media. Only then the rights regime and transparency era make sense and help India leapfrog with what it has missed in the previous decades.

Let us push this formula forward:
 $RTI+(CC+SG+GR)+(SA+ICT)=\text{Good Governance.}$

NBR

Sh. Satyanda Mishra, CIC, at the 6th Conference on October 14, 2011

The RTI Act is now six years old. We are fortunate that the Prime Minister who piloted the bill in 2005 is here with us today. I welcome him to the convention on behalf of the Central Information Commission and all of you. On such occasions, it is natural to ask what this law has achieved in these six years. It has achieved a lot. In such a short period, it has found its way into the daily conversation of people. It is not uncommon to hear people say ‘I will RTI if so-and-so is not done.’ It has become a verb. It is often said that in many cases, an RTI-application alone is enough to motivate and compel the authorities to redress the grievances. This is the measure of its success as an instrument of constructive change. I will not be exaggerating if I claim that, after the Constitution of India, the Right to Information (RTI) Act is the second most important legal document we have given to ourselves.

The Right to Information (RTI) Act has unleashed a revolution of sorts by shaking up the establishment at all levels of governance in the most constructive and positive manner. It has also proved to be somewhat iconoclastic in its impact. It has whetted the appetite of the people for more such rights. The rights to employment guarantee, education, public service delivery, food security and a corruption free government are some of the rights we have given to ourselves or are in the process of giving only because

the ground was prepared by the Right to Information (RTI) Act. It can justly claim to be the mother of all such rights.

Most importantly, of course, it has helped the governments at all levels-local to the central- the most. By taking away some of the mystique surrounding the government it has brought people closer to it. Besides, sharing of information is a form of co-option; it makes the seeker of the information a partner in the decision-making process, almost an insider. I think the way the Right to Information (RTI) Act has been helping in building transparency in the government at all levels is the only sustainable way to fight corruption. Other punitive and draconian measures, very strongly advocated in the recent months, can never have the same durable impact in containing corruption as the sharing of information can. This law helps the government in another way; it restores and reinforces the legitimacy of the governments at all levels. Right now, though, one gets an unsettling feeling as the law expands in its reach and depth.

But as the time goes by and the full impact of the Right to Information (RTI) Act comes into play, the administration at all levels will become more open, system driven and accountable. On the other hand, the citizens will also no longer feel like outsiders to the system and will begin to feel possessive about their governments and not treat them as distant and

suspect. For this to happen quickly, it is absolutely necessary that the citizens seek information without ill will against anyone and the government officials disclose information without treating the information seeker as a nuisance. Information seeking should not be motivated by a sense of vengefulness and information giving should not be characterised by a sense of hostility.

Now that most government departments know what to disclose and what not to, more and more information should be placed in the public domain on a real-time basis leaving aside those which are exempt under the law. Budget permitting, government departments should begin experimenting with increasing levels of disclosure on their own without waiting for RTI applications. In fact, each ministry or department should draw up a negative list of information and place it in the public domain while simultaneously disclosing the remaining information.

The cost of processing and disclosing information is also an area of concern. I am talking not only about the financial cost; producing millions of copies of government documents and files has a great environmental cost too. The society would have to be conscious of this at some stage. More and more people seeking information, this cost is only going to go up. The only way to prevent the escalating cost of information delivery is to place more and more of available information in the website of the public authority in a proactive manner. Also there is a great

need for training the information officers on the provisions of the Right to Information (RTI) Act so that they know what to disclose and what not to.

Concerns are being expressed in some quarters that the disclosure of information inhibits free and open expression of opinion by government officials during the decision-making process. Even if it is true sometimes, we have to live with this. The benefits of disclosure of information far outweigh the inconveniences experienced by the decision-makers in the government.

Of late, there have been a lot of reports of attack and assault on information seekers. This is rather disquieting. This needs to be taken seriously and prevented at all costs. Even if the number of such reported cases is small, this shows the vulnerability of information seekers. Police authorities in the States have to be sensitive to this and take effective steps to prevent the occurrence of such incidents. Exemplary punishment of the perpetrators would send a strong message around. Those of us in the Information Commissions may also have to take steps to alert the police authorities about those few information seekers who seem vulnerable because of the nature and frequency of the information they seek about wrongdoing by vested interests. Of course, such information seekers themselves should promptly report to the authorities if they ever have any such fear.

Riddles in implementation of RTI ACT

Wajahat Habibullah

Every Department was expected to organize educational programmes to advance the understanding of the public, particularly the disadvantaged, on the RTI. Not having done so, the government can hardly blame the public for misuse

The following are exempt from disclosure under Section 8 of the Right to Information Act:

§ Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence.

§ Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.

§ Information, the disclosure of which would cause a

breach of privilege of Parliament or the state legislature.

§ Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

§ Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

§ Information received in confidence from foreign governments.

§ Information which would impede the process of investigation or apprehension or prosecution of offenders.

§ Cabinet papers including records of deliberations of the council of ministers, secretaries and other officers.

§ Information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual; infringes copyright, except of the state.

§ Where practicable, part of record can be released.

§ Intelligence and security agencies are exempt — except cases of corruption and human rights violation.

§ Third-party information to be released after giving notice to third party.

It needs, however, to be noted that under the proviso contained in Section 8(2), notwithstanding any of these exemptions or indeed the Official Secrets Act 1923, a public authority may still allow access to information, if public interest in disclosure is deemed to outweigh the harm to the protected interests. And most exempt information is, at any rate, to be released after 20 years, with some exceptions, although also provided that the information, which cannot be denied to Parliament or a state legislature, shall not be denied to any person. Unfortunately, on this provision there has been no endeavour by government despite pronouncements of the Central Information Commission, thus making more complicated for itself government's responsibility in keeping information secret.

What is noteworthy is that this law specifically seeks universal access, especially to the poor. It is, of course, open only to citizens of India, as per Section 3, but the fee is also required to be at a reasonable level, although the quantum is specified only by rule, and there is no fee for BPL persons. Assistant public information officers are required at sub-district levels to facilitate the filing of applications and appeals. Hence, heads of post offices have been given this authority by the Central government.

There is no need to specify a reason for seeking information or to provide any other personal details. There is a provision that the PIO reduce oral requests into writing and for the PIO to provide all required assistance, including to disabled persons. Information is to be provided in local languages. There is provision for damages.

This placed a host of responsibilities on public authorities, who were required to appoint PIOs/ assistant PIOs within 100 days of the RTI enactment and to begin maintaining, cataloguing, and indexing, computerising and networking records in accordance with Section 4(1) (a).

If this has not happened to the extent required, the government, which appoints CPIOs from officers at a relatively junior level, has only itself to blame. These authorities were to publish, within 120 days of enactment, a whole set of information, and update it every year.

This was to include publishing suo moto all relevant facts while formulating important policies or announcing the decisions which affect the public, and also providing reasons for its administrative or quasi-judicial decisions to all affected persons.

Authorities were made primarily responsible for raising awareness, educating and training officials and the public. Every department was expected to develop and organise educational programmes to advance the understanding of the public, particularly the disadvantaged, to exercise the right to information. Not having done so, the government can hardly blame the public for misuse.

Government was thus to encourage public authorities to participate in programmes, promote timely and effective dissemination of accurate information, train PIOs and produce relevant training materials. To achieve this, government has developed a scheme for e-governance. It is agreed that for the success of this initiative, RTI is essential. Here there has been progress, but only at the level of the Centre.

Key to the effective functioning of the Act is the Gram Panchayat, which can be the repository for scheme information, citizen surveys, fiscal information, etc. But this will happen only with the devolution of functions, funds and functionaries.

RTI was designed to expand access to information, by training citizens and the government

This body can then become the service provider for over-the-counter services, certificates, taxation, billing, licences, ration cards, and a host of such services at the grassroots, working to keep the citizenry informed as a group (Gram Sabhas) and as individuals, whose concerns and questions can also be appropriately addressed by reference to the relevant authority. This would ensure better feedback and accountability.

In reviewing the enforcement of the RTI Act, it would be wise to bear in mind the remarks of Justice

Mathew on behalf of the bench in *State of UP v Raj Narain* (1975), oft-quoted in judicial circles while debating the law:

“In a government of responsibility like ours, where all 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... to cover with a veil of secrecy the common routine business, is not in the interest of the public.”

Courtesy: Indian Express (2 November 2011)

Babus to be made more accountable

Chetan Chuahan

Draft aims to fix accountability only for online service. But in five to eight years, all public services will be covered under it.

India is set to move into bureaucratic accountability for public services with the Centre issuing a draft national law to be provided online. This will include a redressal mechanism for the failure to provide information within a timeframe. The draft bill, a next logical step after the

Right to Information law, comes at the time when the government is trying to fight alleged corruption at high levels through the Lok Pal Bill and two NDA ruled states — Bihar and Madhya Pradesh — have taken lead in enacting similar legislations.

State laws provides for penalty to be imposed on an official who fails to provide a public service, such as caste certificate or property documents, within the stipulated time.

The draft Electronic Service Delivery Bill of the information technology ministry aims to fix accountability only for online service. But eventually, in five to eight years, all public services will have to be provided online in India, the bill says.

Each government — state or the Centre — will have to notify the public services to be provided online within six months of enactment of the law and give reasons for not notifying a particular service.

The notification will have the timeframe within which citizens should expect delivery of the online

service which may include issuing of birth certificates, driving license, ration card or a passport.

To make the online service easily accessible, the bill says, the Centre would have power to electronic government standards for ensuring interoperability and security.

The bill also has a grievance redressal mechanism, striking similar to the one in the RTI law. Like the RTI law, the first complaint will have to be filed with

senior official of the department concerned. If not satisfied, an appeal can be lodged with the Central Commission, in case the service provider is Central government

and state commissions, if the service is being provided by state governments. The bill provides for one central commission and state commissions around the country.

In case, official fails to provide the service within a timeframe, the commissions will have power to impose a fine of up to Rs5,000 on each official. In case of RTI, the maximum fine is Rs25,000.

Ventakesh Nayak with Commonwealth Human Rights Initiative says it is well known that accessing public service delivered is cumbersome and there is not enough transparency and it leads to corruption.

Courtesy: Hindustan Times (19 April 2011)

Government will have to notify services to be provided online within six months of enactment of law and give reasons for not notifying a particular service

Draft Citizens Charter set to be finalised

D K Singh

Preparing to fulfil one of the main demands of Anna Hazare, the UPA government is in the process of finalising the draft legislation for the Citizens Charter whereby every citizen will have the right to time-bound delivery of goods and services.

Titled Citizens Charter for Committed Supply of Goods and Provision of Services by Public Authorities Bill, 2011, the draft legislation provides for multi-layered grievance redressal mechanism from panchayat to national levels and punitive measures like fine up to Rs 1 lakh and disciplinary action against public authorities concerned.

Public authorities, as defined in the draft legislation, would not only include state officials but also non-government organisations receiving “substantial” funding from the government directly or indirectly and any company that supplies goods or renders services in pursuance of obligations imposed by the Central or state Act. The draft legislation also envisages bringing under its ambit goods and services delivered under a PPP mechanism. Sources said the Bill, likely to be introduced in the forthcoming Winter Session of Parliament, could also serve as a model Bill for states.

The draft Bill makes it incumbent on public authorities to publish Citizens Charter within six months after enactment, establish call centres for receiving complaints and appointment of Grievance Redressal Officers (GROs). The Citizens Charter shall provide details of goods supplied and services rendered by public authorities and the name of persons or agencies responsible for delivery and also the time limit for it. It will also provide quantitative and tangible parameters like weight, size, frequency, etc. of the goods and services available.

The multi-layered grievance mechanism includes GROs, who will be appointed in all administrative offices at Central, state, district, sub-district, municipalities and panchayats and will be responsible for redressing the grievances within one month of the complaint.

There will be District Grievance Commissioners (DGCs) to hear appeal against GROs’ decisions. To be eligible to become a DGC, one has to be a District Judge for at least 3 years or worked in social service for at least 10 years.

Courtesy: Indian Express (1 November 2011)

Electronic Service Delivery Bill

Surabhi Agarwal

The Bill requires all govt departments to compulsorily deliver services to citizens electronically

The Electronic Service Delivery Bill 2011, which will require all ministries and government departments to compulsorily deliver services to citizens electronically, is in its final stages of formulation.

The Bill has been vetted by the law ministry and inter-ministerial consultations have been completed. It will be tabled during the monsoon session of Parliament that begins on 1 August, said Sachin Pilot, minister of state for communication and information technology (IT).

He was speaking at a seminar of them Billionth South Asia Mobile and Telecom Congress organized by the Digital Empowerment Foundation and the Internet and Mobile Association of India on Saturday. *Mint* was media partner to the awards.

“The comments from all the stakeholders have been received and there are some cosmetic changes which

are being done,” said a top official of the department of information technology (DIT), who did not want to be identified. The official added the Bill will be sent this week or the next to the cabinet for approval.

The Bill mandates that all government departments, ministries and state governments automate their citizen-based services, so these can be offered electronically.

It includes in its ambit any dealing a citizen would have with the government, including submissions of all kinds of forms and applications, delivery of licences or permits, and receipt or payment of money.

The overarching aim of the law is to reduce discretion on the part of government employees, making governance rule-based and bringing in more transparency in dealing with citizens.

Neel Ratan, executive director of consultancy firm PwC said that while the whole exercise is a step in

the right direction, citizens should be involved in determining which services they want digitized. "Citizens should have a larger say in determination and prioritization of services, a right which has been embedded with government," he said.

According to experts, the Bill is important as it defines a clear time frame in which the services have to be digitized, which is five years from the date of the Bill becoming a law. The deadline is extendable by three years if a reason is provided in writing.

All government departments will have to clearly define the services that will be digitized and the time frame required to complete the process within six months of the law being passed. But the current draft excludes DIT's original proposal for a complete phasing out of manual delivery of services.

"There were several reservations about phasing out of manual delivery and after receiving the feedback we decided to exclude that part and include assisted access for that section of society which might be willing to get services only through the government departments," said a second DIT official, who too did not want to be identified.

In 2006, the ministry of communication and IT unveiled its national e-governance plan, which envisages automating the delivery of key government services. But just a few of the 27 mission-mode projects have been completed. The execution of some

has been delayed and the rest are still at a planning stage.

The delay or lack of initiative on the part of some departments to digitize in the absence of a law is the underlying reason behind the Bill. Officials equate the Bill to the Right to Information (RTI) Act of 2005 in its impact, as it will force all government departments and ministries to digitize themselves.

"The feedback from the private sector and the NGOs (non-governmental organizations) has been that five years is too long a deadline for digitization, while the feedback from the government agencies has been the opposite. However, we are sticking to our deadline," the second official said.

According to Nasscom, an IT industry lobby, the e-governance opportunity in the country is expected to be worth \$9 billion (around 40,000 crore) between 2010 and 2013. This Bill is expected to add to the potential.

Mandatory digitization is expected to create a demand for maintenance services, cyber security and data protection, which could create a huge demand for IT in the country.

Another advantage of digitization will be that more people will be motivated to avail government services due to the sheer ease of use. For instance, the number of tax returns filed jumped 67% to 5.1 million in 2010, when it was made digital.

Courtesy: Live Mint (26 July 2011)

Online initiative to shield RTI activists

Madhavi Rajadhyaksha

In an encouraging fillip for the Right to Information movement, a citizens' initiative launched online allows applicants a shield of anonymity while seeking information from any public agency. The initiative operating under the 'RTI Anonymous' banner was floated on October 15 by three engineering professionals and comes at a time when transparency movements both in India and abroad are fighting for survival as information seekers are forced to work in an environment of growing hostility and resistance.

Earlier this week, whistleblower website WikiLeaks announced that it would temporarily stop publishing secret government files citing financial reasons. Closer home PM Manmohan Singh recently suggested that RTI was interfering with the working of the

government. Attacks on information seekers have become commonplace, with transparency groups estimating that 28 activists have been killed since the RTI Act was passed in 2005.

For NRI Anand Sharma, web-designer from Delhi Avnish Singh, and IIT-Kharagpur student Ritesh Singh, it was the murder of RTI activist Shehla Masood which served as a wake-up call. Strangers to each other till social activist Anna Hazare's India Against Corruption brought them together on common online forum, the trio decided to move beyond the agitation, pool in their expertise and lift the shadow of fear enveloping the RTI.

The three of us were on a common social networking group and would post our opinions on what should be done next. This led to online chats and

conference calls during which we realized that people who dared to stand up against corruption were being victimized, recalls Sharma, an engineer working in the US.

The website, getup4change.org, the site allows anyone to log on and draft an RTI on the site or email the group using a dummy email IDs.

We file the RTI through random volunteers, who are based in different parts of India, thereby completely bypassing the possibility of any

victimization. For instance, a volunteer in Delhi with a legitimate Delhi address files an RTI for an issue concerning Bangalore authorities, explains Ritesh, 19, adding that fellow-II-Tians have been volunteering to file the RTIs.

Within two weeks of its launch, the group has drawn 35 volunteers. Calling the initiative a good idea, chief information commissioner Shailesh Gandhi said that the protection of whistleblowers has been a growing concern.

Courtesy: Hindustan Times (28 September 2011)

When the RTI 'Basmasura' chased the government

Vidya Subrahmaniam

When the controversial Finance Ministry note to the Prime Minister's Office (PMO) on P. Chidambaram's role in 2G spectrum allocation was traced to a Right to Information application, there was surprise — and some concern — both within the government and in RTI circles.

The government's discomfiture was understandable: The RTI Act, which was its proud creation, recoiled on it much like the boon that Lord Shiva granted Basmasura. In the fable, Basmasura seeks and gets the power to reduce to ashes anyone on whose head he places his hand. The Lord agrees, only to be chased around by Basmasura, who wants to test the boon on Shiva himself. From the Commonwealth Games to 2G, there has been an RTI angle to many of the scams and scandals that have emerged in recent times from the corridors of power. In the old days, a Finance Ministry note like the one that surfaced last week would have been a closely-held secret. Yet this document, used by the Bharatiya Janata Party as a weapon against both the Home Minister and the Prime Minister, was among a sheaf of papers released by the PMO itself. The irony is compounded by the fact that of the two applicants who sought the papers, one was R.K. Garg, convener of the BJP's RTI cell. The other was RTI veteran Subhash Chandra Agarwal.

The release of the note obviously placed the government in a quandary: It could hardly argue against its own decision. So while Pranab Mukherjee lauded the transparency of the RTI process in distant Washington, Veerappa Moily struck the first

cautionary note. In a newspaper interview, he called for a national debate on the RTI, arguing that the Act could not be allowed to interfere in official decision-making. He also wheeled out the old chestnut of RTI amendments. RTI activists began to press the panic button. Activist Lokesh Batra sent out a message that said: "Alert, is this another attempt to dilute the RTI Act?"

The former Chief Information Commissioner, Wajahat Habibullah, who led the fight against amendments to outlaw file notings, told *The Hindu* that the RTI Act had acquired too much momentum for it now to be rolled back by the government. He said the Act provided for exemptions which the government could have used to deny information to the applicants. "Section 8 provides immunity from disclosure on grounds of national and economic security, privacy and commercial interest. The law does not become bad because the government chose to disclose information."

Mr. Habibullah pointed to the vital role played by the RTI in digging out many of the recent scams. The CWG exposure started with a plea by the Organising Committee that it be kept out of the RTI. However, the Central Information Commission ruled that the OC was a public authority which allowed its spending to be scrutinised. This brought out a deluge of damning documents. Similarly, there were RTI queries on the procedure followed in spectrum allotment.

Nikhil Dey, convener of the National Campaign for People's Right to Information, said if the government attempted to roll back the RTI or bring in

amendments, it would be an admission of its guilt: “That will immediately raise questions about its motives.” To Mr. Moily’s charge that the RTI allowed normal inter-departmental discussions to be misinterpreted as dissensions, Mr. Dey said: “The best and most accurate interpretation can come only from full disclosure. It is only through full disclosure that you get a perspective of what happened. Leaks are far more selective and damaging.” He also argued that laws could not be enacted to make the government comfortable: “If the government feels

some discomfort because of disclosure it is not a bad thing.”

Mr. Agarwal, who has brought out hundreds of secret documents from the vaults of the government, including correspondence between the Prime Minister and the President and between the Prime Minister and the Congress president, salutes Manmohan Singh and the PMO for upholding transparency: “With Ms. Gandhi and civil society watching, a rollback is almost ruled out. If despite this, the government dilutes the Act, it will have to pay a heavy price for it.”

Courtesy: The Hindu (26 September 2011)

‘No RTI query to Prez, guvs and CJI’

Nagendar Sharma

Right to Information (RTI) applications should not be addressed to the offices of the President, governors of all the states, the Chief Justice of India and the Lok Sabha Speaker, the law ministry has proposed.

The proposal by the legal arm of the government is based on the opinion of a senior law officer, who has stated that partial exemption of these high constitutional offices would not adversely affect citizens’ right to know.

Additional Solicitor General Vivek Tankha has pointed out that information sought by RTI applicants from these high offices is available with the government departments concerned dealing with them and the RTI applications should be filed there.

The law ministry has informed the offices of all the four constitutional authorities that it proposes to keep out of the purview of the information law. “The information generated in course of the discharge of governance functions is available with the government departments concerned and transparency is in no way adversely affected by positing these constitutional positions outside the ambit of the RTI Act,” he said.

“Any information received by the President/governors, is deemed to be available with the corresponding departments/ministries of governments,” he added.

Tankha, in his interpretation of the RTI Act, pointed out that the high four constitutional offices mentioned by him do not figure in the list of designated authorities that have to provide information.

“Constitutional authorities as defined under the RTI Act, 2005, are competent authorities and not public authorities, who have been mandated to provide information,” he wrote.

On the question of certain specific information available with only these four offices, Tankha stated that reports sent in exercise of constitutional functions of exceptional nature are covered under specific exemptions granted under relevant sections of the RTI Act.

The opinion came in response to a notice issued by the State Information of Goa to the governor, directing him to appear personally before the commission for the Raj Bhawan’s failure to reply to a RTI query.

Courtesy: Hindustan Times (28 September 2011)

A Process View for Zc

RTI + (CC+SG+GR) + (SA+ICT) = Good Governance

GR – Grievance Redressal; CC-Citizen Charter; SA- Social Audit; SG-Service Delivery Guarantee; Zc = Zero corruption

The Corruption Trade-Off

Bibek Debroy

Between 2004 and 2009, if you mentioned CPI, most people would have taken this to mean Communist Party of India. Since 2009, CPI is likely to be interpreted as Consumer Price Index or Corruption Perceptions Index. Inflation and corruption have moved to the top of the agenda. Specifically, Corruption Perceptions Index is produced by Transparency International and has been around since 1995. Based on surveys, it ranks countries on perceived levels of corruption. The last such CPI was for 2010 and ranked 178 countries. India was 87th.

Corruption isn't an India specific problem. It exists in other countries too. But there is a clear correlation between corruption and level of economic development, however defined. We have statistical correlation between levels of corruption and levels of economic development. But the direction of causation is by no means clear.

Do lower levels of corruption trigger economic progress? Or do higher levels of economic development lead to awareness and countervailing pressure that help reduce corruption? That apart, corruption has to be pinned down with reference to legislation that defines such crime. And there is no absolute definition of crime. There is a United Nations Convention against Corruption (UNCAC). India signed this in December 2005, but waited till May 2011 to ratify.

UNCAC isn't about corruption in the public sector alone. It covers the private sector too. However, our laws, primarily Prevention of Corruption Act (PCA) and Indian Penal Code (IPC), are about public corruption, involving public servants.

Corruption in the private sector is increasingly regarded as an issue and perhaps India's laws will also eventually capture this. However, even when it does, there is a difference between corruption that is illegal and corruption that is perfectly legal. Though there is no absolute definition of crime, definitions of what is crime often fall short of what is perceived to be crime. Influencing the outcome of elections may not always be illegal in law. Lobbying, use of patronage and use of one's influence may not also be illegal in law. After the global financial crisis of 2007-08, many instances have come to light in the financial sectors of developed countries.

These may not necessarily be illegal. Therefore, one should be careful in citing cross country studies that say that developing countries are more corrupt than developed countries. It may be more correct to say that developed countries have forms of corruption that are legal, while developing countries have forms of corruption that are illegal, though law itself is subject to change and is not cast in stone.

In 2008, UNDP produced a primer on corruption. This has something like a taxonomy of corruption and covers several types: bribery, fraud, money laundering, extortion, kickback, peddling influence, cronyism, nepotism, patronage, insider trading, speed money, embezzlement and abuse of public property. No such taxonomy can ever be perfect and one form of

corruption spills over into another. But there are clearly two kinds of corruption one has in mind. There is the big ticket kind of corruption,

associated with the electoral and political system and abuse of discretion in allocation of natural resources. Much of the present angst against corruption is because several such instances have come to light. Second, there is petty or bureaucratic corruption, associated with delivery of public services.

Small-ticket corruption is what we often confront in our day-to-day interface with the government, either as a citizen, or as an enterprise. For such kinds of corruption, there is an oft cited 'formula' that has a lot of validity. Corruption = (Monopoly + Discretion) – (Accountability + Integrity + Transparency).

The antidote to corruption also follows. First, there is an issue of reforming civil services, including codes of conduct, salaries, entry and promotions and laws against corruption that are credible. Second, this implies the existence of independent anticorruption bodies. Third, the monopoly in providing public services can end by enabling private sector delivery, since many such public goods and services are no longer instances of market failure. Fourth, public procurement needs to become much more transparent. Fifth, pressure must be created by civil society that, in turn, requires awareness and dissemination of information. Has small-ticket corruption declined? The best corruption studies are those by Centre for Media Studies, focusing on public

Like many other things, the nature of corruption of India is also going through great change

services, with a general emphasis on BPL and the rural sector. These studies cover experiences of bribe giving and estimates of bribes too. In general, they show that small-ticket corruption has declined.

Monopolies have sometimes ended and there has been countervailing pressure like the RTI, citizen's charters, Lokayukta, zero-rupee note, 'Jaago Re' and so on.

Barring public service guarantee legislation and some e-governance initiatives, the government hasn't

responded much. But what's worrying is what CMS calls kicking-up of corruption. Because monopolies and shortages have gone, you no longer need to bribe to get a telephone connection. But discretion in allocation of telecom licenses remains and has increased. Small-ticket corruption declines have triggered large-ticket corruption and discretion in that can probably never be completely eliminated. Can we really have non-discretionary tendering? That's the corruption trade-off.

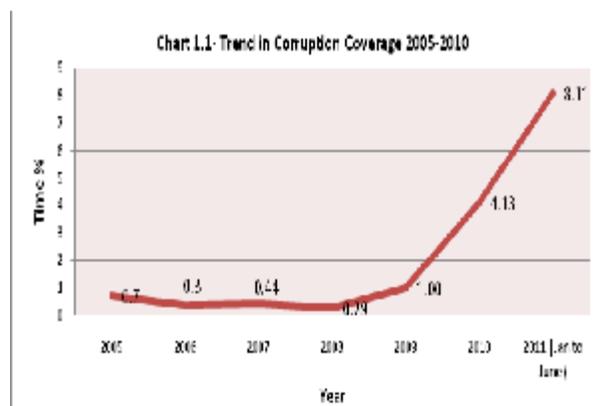
Courtesy: The Economic Times (7 November 2011)

Face of Corruption in News Media

Summary

This CMS Media Lab study for January – June 2011 involves analysis of primetime (7– 11 pm) coverage of corruption by news media. A similar study with same scope was conducted in 2010 also.

Anna Hazare tornado, noticed in March, surfaced first in April and spread into a national movement by



August 2011. No review of news media coverage of corruption in 2011 could be without taking note of that hurricane phenomena. A comparison of the way news media covered corruption in three different periods (January, April and August 2011) brings out how Anna crusade gained ground and spread across with “saturated coverage”. But this special analysis also brings out that most of that coverage however, could not be considered as about or against corruption, as in the case of other coverage of corruption analyzed in this study.

The extent of corruption covered in news media doubled in 2010. But the increase has been marked since 2009. In the last five years, corruption has become a priority of news media. It was less than one percent in 2005 /2008. In 2011, it was well over eight percent of prime time and six percent of front

pages. But on days of Anna's fast that coverage overall went up to over 60 percent of prime time of news channels and mostly live coverage.

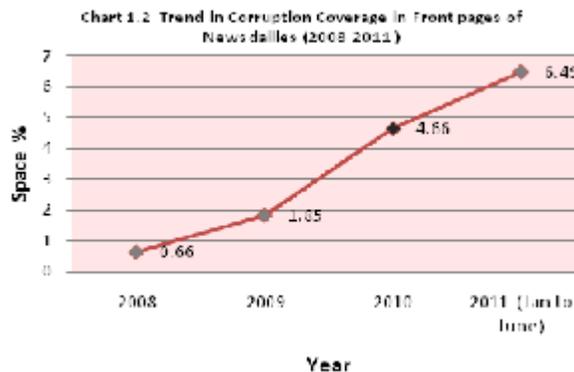
Highlights

This 2011 monograph confirms that, despite increase in the coverage, “petty corruption involving vulnerable sections of people” are yet to become a concern of news media. The priority is for scams and scandals rather than for systematic issues and correctives that need to be pursued. The far off and grassroots level corruption hardly figured.

Most of the corruption covered in 2011 involved individuals, but with high profiles and of high scams. English channels focused relatively more – both on institutions and individuals; while Hindi news channels focused relatively more on individuals in their coverage of corruption.

In covering corruption the focus of news media hitherto has been primarily Government, bureaucrats and politicians. But 2011 signaled that corporate / private sector too matters for news media and they were no longer out of bounds from their coverage.

The news channels focused more on scams referring to politicians and bureaucrats and to big



public utilities / services (like CWG, DGCA, GNDA, etc). In all, major stories covered by news media were analysed. By and large they were all chasing the same stories, and even same way.

Seven Stories Dominated

Seven scandals were more often reported stories of news media – channels, newspapers and radio – during the period of the study. But they accounted for little over half of all corruption coverage. Of these, four were to do with Government (2G, CWG, Adarsh, Bofors), two were to do with civil society (Ramdev and Anna Hazare) and two (Hasan Ali and Citi Bank) were from private / corporate. There were other corruption stories reported but covered less often (like Ex CJI K G Balakrishnan, Ex CM Karnataka Yeddyurappa) and some once or twice (Pawan Bansal shop scam, Sugar scam in Maharashtra). Anna’s fasts do not fall under a “scam” but were to do with corruption although not all that covered. There is a distinct difference in the way various news media covered various corruption stories.

News Channels: 2G scam mattered much more for English news channels.

Corruption in public utilities mattered news media less than in the case of bureaucrats. Interestingly, corruption in corporate / private sector is no longer ignored by news media. In fact, in 2011 news media covered corruption involving them much more than in the earlier years.

Front page of news dailies (for two months-January and June): 2 G was covered much more by Hindustan Times and Times of India than the other four dailies. Where as Ramdev mattered much more relatively for the three Hindi dailies; Citi Bank scam figured more in Hindustan Times and Dainik Jagran than in other dailies. Hindustan Times, The Hindu, Dainik Bhaskar and Hindustan covered relatively more Ramdev than any other story during the period. Dainik Jagran covered more CWG than any of the other scams. But, over all, Hindi dailies front paged Ramdev more times and devoted far more space than

English dailies. Times of India devoted least space for Ramdev. Anna was given more coverage by front pages of Hindustan and Hindustan Times, even in Jan and June (when he was not on fast)

AIR news (for January and June): For prime time news bulletin of AIR, 2G figured more times, but it spent twice more time on news bulletin of CWG scam(s). Ramdev and Anna figured to the same extent. Over all, not surprisingly, AIR news bulletins have not given as much coverage to the seven scams as the other news media during the period. The concern in this study being “corruption”, not all of Anna’s coverage was considered for this analysis.

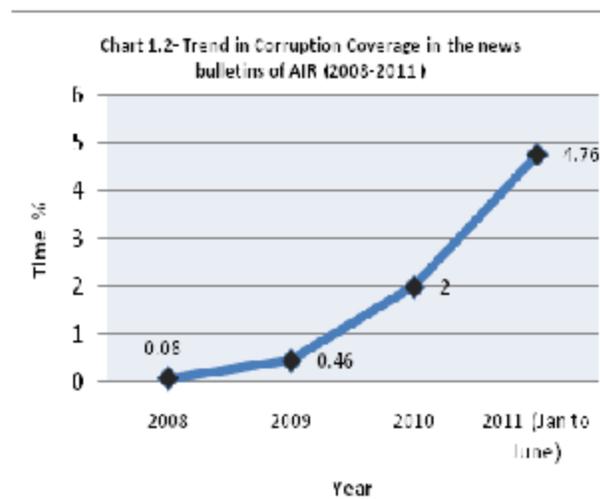
Comparing the Coverage

By and large, the nature of coverage of corruption by news media in 2010 and 2011 remained same in terms of scope and structure of news. But with regard to the trend in covering corruption involving or referring individuals and institutions, it has reversed. The focus in 2010 was more on institutions, whereas in 2011 it was individualised.

Also, compared to 2010, the coverage of corruption in 2011 has become a “regular feature” for news media; no longer had special efforts to be put in to chase corruption stories.

Also, in 2011 the coverage of bureaucracy was relatively more than in 2010.

Truly, news channels have provided “saturated coverage” to Anna’s fasts all the 13 days at Ramlila grounds in August; Even earlier, in April at Jantar Mantar, his fast received almost ten times more coverage (all the five days) than the coverage of all the scams earlier put together. Focus of English and Hindi news media differed in the extent of covering scandals. Ramdev mattered more for Hindi news media, channels and dailies. 2G mattered much more in English news media. Anna’s crusade had special (booster) effect on the news media’s priorities and focus in covering corruption and scams. Whether all out coverage of Anna’s crusade was also a “coercive coverage” or not could be concluded from a field study.



Corruptions in public services involving citizen continue to be far less. The civil society initiatives against corruption hardly figured in the coverage and never got acknowledged by way of encouragement or even by way of “cultivating news source”. But with Anna’s crusade all that has apparently changed. Anna not only infused new confidence in citizen but also reminded news media of their potential power.

Until the coverage of Anna, the focus in the coverage of news channels was not so much to provoke (instigate?) citizen for proactivism, it was rather to enthuse and excite voters in a limited way.

Citizen, Corruption and Public Services – Reversing a Phenomena!

N Vittal

Dr. N. Bhaskara Rao is a unique person. He has been a pioneer not only in the area of media studies but also in initiating action by the civil society in specific areas that need correction.

I came to know Dr. Bhaskara Rao in 1993 when I was appointed as the Chairman of the Telecom Commission of the Government of India and Secretary, Department of telecommunication. He was heading the social audit panel for the Department of Telecommunication. The panel consisted of eminent people like Justice P N Bhagwati, Kushwant Singh and others. It was an experiment in using social audit as an instrument to gauge how the telephone and other services provided by the Department of Telecommunication were perceived by the citizens. That was the era before economic liberalisation. Teleco services were a century old monopoly. The setting up of the social audit panel was in itself an innovation. This was part of the dramatic changes that have been introduced in the century old Postal & Telegraph department when that stormy petrel called Sam Pitroda, inspired by Rajiv Gandhi, was inducted in the government.

Dr. Bhaskara Rao’s panel used to travel to different states, get the feedback from the users of the telephone services and come up with valuable suggestions. I have no idea, how much of these were acted upon.

Dr. Bhaskara Rao has continued with this initiative and activist approach to strive for better governance by mobilising civil society forces ever since. The Centre for Media Studies which he heads has done a yeoman service especially in the area on which there is not much literature available today. This is

RTI Act is being availed by news media on their own and replies received by activists are being reported is also evident from this analysis. In 2011, News media reminded itself that “Follow ups” work and “chase” pays too. That was how coverage of scams was sustained. Competition between news media has brought in more coverage of corruption. But at the end it could be said that such a coverage provokes and works better – when it is in a collaborative mode with civil society and social media networks. This is evident the way Anna coverage evoked nationwide response.

the area of corruption in public life of our country. As Central Vigilance Commissioner, I requested him in 1998-99 to conduct exit polls in public offices and also rate the level of corruption among different organisations of the government of India and if possible, also come up with the ranking of states in terms of the corruption perception index. My inspiration for making that suggestion, of course, was the annual Corruption Perception Index of countries brought out by the Transparency International which has emerged as a very authoritative voice so far as global level policies relating to tackling corruption are concerned. Dr Rao acted on my suggestion and began with studies of corruption in different states with the focus on organisations interfacing with the common citizen on a day to day basis. Later on behalf of the TI [India] chapter he undertook rating the CPI for different states.

This book by Dr. Bhaskar Rao is an important contribution to the ongoing debate on the issue of corruption in public life in our country.

It is not just one more book on the subject on which many have written. But it brings its own unique contribution in terms of the appendices which reflect the highlights of the field studies conducted over the last three years by the Centre for Media Studies on behalf of the Transparency International India Chapter.

As Dr. Bhaskar Rao points out in the Preface, corruption has been an all pervasive long standing problem in our country. We have been trying different approaches and solutions to tackle it. But there is no quick fix for this. As he says in the preface:

‘Devolution of power to Panchayats was expected to reverse that trend, later it was computerization and more recently RTI, public-

private participation and now bio-metric and unique identification number – they were all expected to contain corruption. Tomorrow, it would be Lokpal and Grievance Redressal Acts. They all are important and long over due initiatives. But they alone will not help demonstrate a reversal..... This book is an effort for a focused strategy towards realizing such a trend. There have been a number of books over the years on corruption. It is doubtful whether they made any difference. And yet I went about with this book.'

Continuing in the same vein he adds:

'The phenomenon of corruption in the country cannot be eliminated without adopting to a bull by horn approach[sic] That is tackling corruption at the top, at the higher echelons of Government, political leadership and the industry involving big money and corruption of all kinds. While that should be the ultimate goal, should citizens wait for that accomplishment? Or should we first demonstrate the determination to curb corruption starting with basic public services that involve large section of citizens? This book is an attempt to initiate that process.'

In a way, this book has been timed perfectly coming as it does, after the country has witnessed two massive efforts at articulation of the feelings of the common citizens and the middle class against pervasive corruption in the country. Anna Hazare's initiative on the Lokpal Bill and Baba Ramdev's aborted attempt in unearthing the trillions dollars salted away in tax heavens have brought in to sharp focus the role of the civil society organisations in articulating corruption and attempting to influence policy by the government.

This book, by an author who has had hands on experience not only in conducting field studies but also is a specialist in the study of the media, is indeed valuable.

In the same Preface, Dr. Bhaskara Rao, goes on to observe, *'I have been arguing that mass media (and now ICT) have potential to achieve that in a few years what and where the Governments have failed over the decades. This includes corruption in public services affecting more than half of the*

population on a recurring basis. What is required by media is not hyping of corruption but covering with an intention and objective of curbing corruption as they do sometimes.'

The role of the civil society and the media in highlighting corruption and contributing to the country in tackling it can be debated from different angles.

I have spent more than 42 years in government as a public servant and naturally I may be biased in my view. I feel that an insider like me who is a bureaucrat and who knows how the system works has an advantage over the media and the civil society which do not have a detailed understanding of the dynamics and mechanics of how the bureaucratic machinery works. In my view, if honest public servants become fifth columnists in favour of brining about good governance and checking corruption, they will be able to bring about much better check on corruption than what can be achieved by outside agencies.

For example, even in the Anna Hazare agitation, the demand for an all inclusive Lokpal covering the whole gamut of organisations from the lowest bureaucracy to the top most is prima facie is an impractical proposition. Any one with a basic understanding of how the government system works, the time taken In processing proposals to maintain records and objectivity and the culture of bureaucracy will realise that larger the organisation and larger the scope, slower it is bound to be in operation. Unless consciously, the organisation itself is designed taking maximum advantage of the modern technologies like the information technology to speed up the process.

Nevertheless, the Anna Hazare agitation has brought home the fact that the political will of the people is bound to find expression in some way or other forcing the government to go on to the back foot and take necessary corrective measures.

Dr Bhaskar Rao has made a timely and valuable contribution to the ongoing national debate on tackling the phenomenon of corruption.

This is a timely book and has to be widely read and appreciated. I congratulate Dr Bhaskar Rao on this noble effort.

N.VITTAL, IAS (Retd)

Former Chief Vigilance Commissioner of India

Author of many books on corruption and governance.



ONLINE AND OFF LINE

Media and key issues raised by Markandey Katju

S Viswanathan

Markandey Katju's forthright comments on the state of the Indian news media and the intellectual competence of many journalists have certainly raised many hackles. One does not have to agree with everything the chairman of the Press Council of India diagnoses or prescribes to see that his observations have hit home. Nor are his concerns confined to how and in what respects journalism and many journalists go astray and let the people of India down.

It's not yet a month since the retired Supreme Court judge was appointed PCI chairman. He has already made it plain that he will speak up, and act to the maximum extent the PCI's statutory powers allow him to act, every time the freedom of the press comes under pressure and each time journalists are targeted by the state.

This is in keeping with the twin objects of the PCI: "to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India." For example, Mr. Katju has criticised as "grossly disproportionate" the award of Rs. 100 crore in damages in a civil defamation suit against *Times Now* and as "incorrect" the subsequent orders of the Bombay High Court and the Supreme Court on the matter. He has pulled up government departments and statutory bodies for delaying payment of advertising bills for years on end and asked all government departments to clear the bills within one month of the publication of advertisements, failing which they should pay 12 per cent interest on top of the amounts billed. In the latest instance, he has taken up with the Government of Jammu & Kashmir the issue of journalists being roughed up by the Central Reserve Police Force while covering protests in Srinagar.

It is clear that Mr. Katju's critical observations on the performance of the news media, and especially television channels, have found resonance with the reading and viewing public. He has also found support within the establishment.

Inaugurating the National Press Day celebrations on November 16, Vice-President M. Hamid Ansari observed that in an environment marked by "the extremely buoyant growth rates" of the media and "minimal or no regulation" the focus had shifted to self-regulation, individual or collective. But "collective self-regulation...has yet to succeed in substantive measure because it is neither universal nor enforceable" and "individual self-regulation has also failed due to personal predilection and the prevailing personal interest over public interest." Mr. Ansari wanted the ongoing national debate on the subject to lead to the publication of a White Paper, leading to "further consultations and evolution of a broad national consensus so that appropriate frameworks can be put in place combining voluntary initiative, executive regulation and legislative action, as appropriate." He noted with concern the absence of media watch groups.

Several senior journalists who participated in a panel discussion on the occasion agreed that self-regulation was either non-existent or had failed. They felt the time had come to give the statutory watchdog, the PCI, more teeth, such as the power to levy fines, provided the threshold of prima facie evidence was raised high so that frivolous complaints would not be entertained. The other issue raised by Mr. Katju is the strange situation of the broadcast media in India having no regulatory framework. He has revealed that he has written to the Prime Minister asking for the broadcast media to be brought under the aegis of the "Press Council," which could be renamed the "Media Council."

Responding to the fierce objections expressed by the private TV channels and the News Broadcasters Association, he has asked them whether they wanted to come under an authority like the Lokpal — if they rejected the idea of coming under a statutory Media Council headed by him. The number of satellite television channels is in the region of 600; of this number, more than 100 are categorised as news

channels. Justice Katju's concern that influential sections of the media, especially the television channels, often trivialise the news and divert the people's attention from vital socio-economic issues is genuine. As a judge of the highest court of the land, Mr. Katju was known for his libertarian views and delivered many pro-poor judgments. His credentials are strong when it comes to criticising the media for working against the interests of the deprived and the poor, for dividing them on caste and communal lines, and for promoting superstition and obscurantism instead of scientific and rational ideas.

Interestingly, a parallel discussion on the ways of the press and the issue of self-regulation versus statutory regulation is taking place in the United Kingdom. In his deeply insightful George Orwell Lecture, "Hacking away at the truth," given recently at University College, London (<http://www.guardian.co.uk/media/2011/nov/10/phone-hacking-truth-alan-rusbridger-orwell>), *Guardian* Editor Alan Rusbridger discusses several aspects of media-related issues, including media freedom, performance, the public interest, rogue practices, regulatory issues, media monopoly and domination by the Murdoch empire, and the need to guarantee plurality and a level playing field. Much of this discussion is relevant to India. Among other things, Mr. Rusbridger discusses the functioning of an independent and full-time internal news ombudsman, known as the Readers' Editor in *The Guardian* (*The Hindu* has adopted the *Guardian* model) as "the most local form of regulation" that has proved effective.

With deep insight and rare candour, Mr. Rusbridger discusses the lessons to be learned from the phone hacking scandal and what the press could expect from the comprehensive Leveson Inquiry instituted by the government: "Well, talking of rules and codes, we discovered that the thing that we call 'self-regulation' in the press is no such thing. Whatever the original laudable ambitions for, and achievements of, the Press Complaints Commission, the fact remained that it had no investigatory powers and no sanctions...it was simply not up to the task of finding out what was going on in the newsrooms it was supposed to be regulating. The PCC was lied to by News International." It then committed "the folly of writing a worse-than-meaningless report which, as we wrote at the time, would fatally undermine the cause of self-regulation as represented by the PCC. In the absence of anything that looked to the outside world like regulation, the rogue actions of, I hope, a few journalists, have landed the press as a whole with a series of inquiries which will last not months, but years, and which will, I suspect, be quite uncomfortable for all involved."

The uncomfortable exercise cannot be dodged and *The Guardian's* Editor proposes a positive way of looking at it: "it provides an opportunity for the industry to have a conversation with itself while also benefitting from the perspective and advice of others." Perhaps the time has come for a comparable exercise addressing the specific Indian media situation, the challenges as well as opportunities.

Courtesy: The Hindu (28 November 2011)

Children in News – Blatant Indifference

P N Vasanti

In the month of November, the nation celebrates Children's Day and correspondingly, we also saw a number of news regarding children. We heard about babies dying in Bengal hospital, children dying of encephalitis in UP, the birth of the seventh billionth baby and then we also heard numerous rumours of yet unborn baby of a famous family. The last became so notorious that advisories had to be issued for 'responsible coverage'!

The shocking deaths of new born babies in hospitals outskirts of Kolkotta questions the basic right of child to survive in our country. The sheer negligence and ignorance of medical staff who reportedly used acid instead of antiseptic speaks volumes of medical systems and facilities in our country.

CMS Media lab analysed the coverage of these deaths (from October 25 to November 2, 2011 during primetime 7 to 11 pm) and found that almost 20 % of this news in 6 important news channels (Aajtak, Star News, Zee News, CNN IBN, NDTV 24x7, Times Now) was focussed on providing usual administrative explanations, accusations and denials. Equal time was spent on political blame game and on the deaths per se. What is interesting is that some channels like Aaj Tak and Star News gave this critical news less than total 4 minutes in this week. Only Times Now provided more than 2 hours of time on this news during the same time and period. It was also Times Now that spent considerable time on discussing health infrastructure and overall medical negligence issues.

Only the dramatic issue of parents and relative grievance was given more collective weightage by these channels (except Star News).

In spite of the presence of number of local news channels in Kolkatta and the repeated coverage of these in all channels, it would be difficult to say even one death was averted due to their reporting and / or intervention. Perhaps even media has become mere indifferent spectator rather than the agenda setting democratic tool that we assume it to be. Their angle and structure of reports was more as a spot news (rather than coming up with way forward). Their concern and interests were more on commercial lines than on an advocacy mode. In many ways, drawing parallel to the media coverage of elections, and its inability to motivate voter turnout.

In contrast, the hyper speculation and even astrology predictions on a famous actress who was due to give birth mid-November led to the Broadcast Editors Association (BEA) issue a 10-point advisory for responsible coverage of the development. The advisory asks news channels from restraining using visuals of the new born, avoid astrology based programs and even restricts OB vans outside hospitals.

This, perhaps is the first time guidelines are being issued regarding coverage of children (yet unborn in this case). Earlier this year NCPCR brought out guidelines for children participating in TV shows, reality shows and advertisements. Other than these,

there are no guidelines or codes to guide coverage of children issues in news media.

The applicable program and advertising code of cable tv network act only mentions that programs should not be carried that “denigrates children”. In the NBA principles of self regulation point four refers to “Depiction of violence or intimidation against women and children”. This point further elaborates that the identity of victims of child abuse and juvenile delinquents will not be revealed, and their pictures will be morphed to conceal their identity. Other such journalistic codes like the British Ofcom code has a separate section on minors that provides the need to protect identities and privacy of children. This section also explains basic issues of permissions required and the need for guardians to be present while speaking with children.

Needless to say even the existing guidelines have little observance in our media context. However, to be fair to news channels, they only reflect how and what most of us in our country really care about children. Yes, we celebrate annual children’s days, we want the very best education and care for our own children but the child on the street and the thousands dying everyday is not “my business”. We all have become so blind and apathetic to this that these large number of babies dying in a state capital hardly is news anymore !

Perhaps, this is a good opportunity for Indian media to demonstrate its fifth pillar role in our democracy and take the lead in breaking this stupor.

Seven Day Spectacular: Children’s Film Festival

Anita Medasani

The 17th International Children’s Film Festival in Hyderabad ended with an excellent closing ceremony after seven days of participation from nearly 1,75,000 children and a showing of 170 films. Child delegates from all over the world were mingling and participating in the open forum and workshops when they were not watching the cinema at the Shilpakala Vedika. This unforgettable experience that they had will be something they will share with other friends.

I ensured that my children (6 & 8 year old) participated in puppet making workshop, watched movies, interacted with the actors and directors. They were quite inspired that the next day they were trying to write movie scripts. In fact, during the closing

ceremony they asked me whether we can go back next year so they can win the golden elephant award, inspired by the young directors. When a child asks this question you know that it was a successful program.

CFSI did a great job putting together wonderful cinemas from all over the world and opening up the child’s world of imagination and breaking down the latent boundaries. The Film Festival was also able to provide quality and fun cinemas that will surely be life enriching without any explicit preaching. This year 2 new things were added to the festival one was Little Directors section , which is cinema made by children and second screening schedule had an age code so children could watch age appropriate cinemas.

In spite of the successful event, there were a few areas that needed improvement. Hyderabad has been the venue for Children's Film Festival many times but it failed to reflect that in the local participation and the flow of information. The program details were not properly distributed or posted anywhere on the website or any newspaper. A search through the venue websites for the closing and opening ceremonies revealed no information and there were no brochures/flyers that listed the entire program beyond the cinemas. The lack of a central information source and the distributed nature of the festival since it was spread across many venues introduced significant confusion regarding the events and their times. There was also a lack of interactivity, creative response, and sharing on a larger scale.

In fact, there was no homeland advantage to the local children who were not fully involved in this experience. The workshops, open forums and panel sessions seemed to be more about animation and the business of kids entertainment and focused mainly on marketing centric discussions. There were no teachers, parents, and independent researchers on any panel discussions. Furthermore, the whole concept of the film festival should be re-looked in the light of change of the media scene in the country.

Cinema is a very powerful medium, since it engages, educates, and sparks the viewer's imagination. However, today, the child is exposed to so much inappropriate information overload through television and cinema. As the Governor of AP rightly put it "it would be nice to see the main stream cinema focusing on putting more effort in making more movies about children and appropriate content."

In a recent CMS study on the impact of cinema and television viewing habits, CMS concluded that neither the kids nor their parents seemed to realize the role cinema and television were playing in influencing the kids habits and the importance of counseling children about TV viewing habits. According to the CMS survey more than half of the television viewers in India today are children of below 15 years. A critical discussion that was warranted in

the open forum but lacking was on the relevance and impact of television and cinema on children. The festival seemed to be missing an overall theme that addressed on all aspects including entertainment, creativity, communication, and the holistic impact on children. It seemed to focus more on the passive entertainment where the films were exhibited for passive absorption by the audience.

Creativity comes from inspiration and exposure. Arts play a vital role in overall development of a child's life. It brings out qualities such as creativity and expression, which later in life translate into communication skills, without which one cannot live in the society. Many different mediums can be used for creative expressions such as translating drawings into animation, puppet making for narrating a story, etc. The Film Festival should have more workshops and panel sessions that focus on animation, puppet making, script writing, open forums with role models, etc so the kids actively imbibe the intended message.

Lastly, why restrict the film festival to Hyderabad? Why can't this festival be held in different cities in India. And better yet for maximum impact why not make this a traveling festival? CMS Vatavaran, an annual international environment and Wildlife film festival, has successfully adopted this idea. Every other year, CMS Vatavaran festival travels to different states in India showcasing award winning movies. The focus of these sessions is not only on exhibiting very creative pictures but also in actively engaging the children through workshops, forums, interactions with local actors, and art shows. The award winning movies are also part of the touring portfolio of movies.

Hopefully, the organizers will adapt some of these ideas, have a central information repository, attract kids from local schools to participate more actively, have workshops and panel sessions that are more interactive and encourage active participation from the kids, and bring a touring version of the festival that will showcase the award winning movies in schools across India.

Looking forward to an even more successful children's film festival in 2012.

Children's Libraries Deserve Serious Reposition

Dr N Bhaskara Rao

November 11th is celebrated as National Education Day; November 14th is Children's Day and that is also "Library Week". What is the focus? I have been talking of a more focused media for children's for a decade. The idea of "Children's Library" is not new. In fact, libraries in the earlier decades played important role in molding the minds of young. Special efforts both in making appropriate reading material available and in the promotion of reading habits among children was vivid. Unfortunately, over the years since library networks passed into hands of State Government, reading habits of children have been ignored as if such a habit is frivolous. There is no realization of the implications of such a decline nor are there any efforts to revive reading habit among children.

Study after study by prominent research bodies, including by CMS over the years, has brought out that reading habits of children (for other than class text books) have been on the decline. Even time-use surveys among children have confirmed such a trend. These surveys have also brought out certain crisis in self identity among younger age groups, specifically to certain human values, basic understanding of historical origins, cultural ethos and socio-economic upheavals, and in having a larger perspective that one is expected to be a creative mind and a concerned citizen.

Based on CMS research over the years in this regard, and my own insights from my village, I am convinced that if we cannot make children (during 7 to 13 years) read and know about their own culture, country and the world, they are unlikely to catch up thereafter. During these prime years they should know about the country, its past and present, its heroes in various fields, about national policies, philosophies, faiths and ideologies as well as conflicts, contradictions and contributions.

If tomorrow's citizens of this country have to be better individuals and personalities with certain views, virtues, and vision, we should make children of 7 to 13 years read a range of general knowledge books. If we cannot capture them for this purpose during these early years, they are unlikely to read any such books in the later years. In fact, from 14th year onwards, children get into competitive compulsions

of today's "rat race academics" where scoring highest marks is the only criteria for success and the only course they take. In fact for the next 10 years – that is 14 to 25 years - they will not be inclined to read nor will they have time left for such readings as they are considered outside the "menu" prescribed for them to catch up with the competition of examinations and career pursuits.

In the absence of such an opportunity and efforts to make children read, they are becoming addicts of television with all kind of contents - good, bad, and ugly. As research has indicated over the years, television has a tendency of making children glue to it and, that too, more often to "bad and ugly" contents. That television is a "double edged" weapon is known but what is not so much is that "negative edge" drives much faster and with long lasting impact on the young minds than viewership for the contents having "positive edge". Further more, to add to this dilemma, parents role in this selectivity process of viewing is being marginalized. Positive effects of television are more likely when it is used in a complementary mode in schools and homes.

At the same time every part of the country and every language is endowed with rich literature which is of entertaining and educational value to children. "Grandmother" stories, folk tales, moral poems, spiritual writings, religious expositions, biographies, scientific discoveries, heroic deeds, narrations on good-bad dilemmas and many more types of books of interest to children exist. We have a wide range of books with the potential of inculcating critical faculty, larger perspective, human values, understanding and appreciation of socio-economic-political dilemmas and contradictions in human endeavours.

Surveys have brought out that children's general knowledge levels are getting narrower despite their exposure levels to media becoming more and varied particularly since the coming of satellite television. All this needs serious introspection as to opportunities made available to children– before they are hooked on to fixed outlook and values. Value addition to knowledge could be expected only if people have choice and exposure to a range of reading material.

There are so many libraries in the country, so much is being spent annually on libraries and there is

considerable infrastructure on this count. In fact, in Andhra Pradesh for example, the library cess was increased to 8 percent from 4 percent. But then why are those libraries not equipped with books for children and why are they not attracting children?. At present hardly two percent of books in these libraries could be said to be interest to children even though most libraries have provisions for such acquisitions. There are many factors responsible for the washed state govt libraries. Firstly, the infrastructure of libraries, under local library authorities, is most neglected in terms of the, maintenance and physical upkeep. Secondly, these libraries are looked upon more as employment opportunities rather than as knowledge centers. Thirdly, these libraries are operated routinely as if they are Government offices at routine timings that are neither convenient to children nor encouraging them to visit. Fourthly, the books and periodicals being acquired and displayed at these libraries interest only the aged and middle aged group. In Andhra Pradesh out of about 1600 public libraries, 300 were already closed and as many are heading in that direction. Over all, a review of functioning of these libraries, under local library authorities, convinces that they are not suitable for children's use and they are not intended or designed to promote reading habits among children. "School libraries" with a librarian which used to be there several years ago in High Schools have also disappeared over the years. It is time that this idea is revived and repositioned as a part of the evolving "computer literacy" and "knowledge society".

Mudunuru Model

How do we make children read? especially read such books which enhance their understanding and expand their outlook, attitudes, values and life priorities. Do we even have such books written for children?. Which location in a village is best suited to make these books accessible for reading? And, who are the right people who could motivate children to read, moderate the process, and also maintain the library?. We stunted a library model in Mudunuru. We first, identified some 20 categories of books as

desirable for children. These ranged from mythology, philosophy, history, science to biographies, folk tales, freedom movement to social movement, conflicts and wars, technologies, etc. Simple and short books published in Telugu (local language) under three above themes with good deal of illustrations and pictures were identified by an expert connected with library movement. In the first instance some 500 such books were procured for a children's library setup two years ago in Mudunuru (a small village in Krishna District of Andhra Pradesh). To give it a local touch and ensure some local supervision, the library was named as Nagulapalli Seetaramaiah Children's Library. Besides being a popular teacher, Mr. Seetaramaiah is a well known freedom fighter of the village connected with the library movement years ago.



The second issue is where to locate these books, so that they could be easily made available, read by as many children and when they want. Local

Elementary Schools and the building of "Mahila Mandal" with exclusive provision, were the two options. But to locate in Mahila Mandal, a librarian or a caretaker would be required and children would have to come here specially. After discussions with the headmistress of the Elementary School it was decided to locate the same as a part of the school for three reasons. One, the school agreed to spare a room for keeping the books and take responsibility for lending them to children and also to take interest in promoting reading of books by children of not only of the elementary school but also of the High School.

It is more than five years since this Children's Library in Mudunuru in Krishna District of Andhra Pradesh is operational on an experimental basis. BREAD has since taken up this project seriously and proposes to setup more than 300 such Children Libraries in the state in AP (Dec 2011). The teachers of the school are excited as much as the children of the school themselves are. Girls read more books than boys on an average. At least one book was read on an average per week by every child in the elementary school. Biographies interested them relatively more.

Encouraged with the interest taken by teachers of the school in utilizing the books, a personal computer

(PC) was installed in the same Elementary School with software packages to support class subjects. The PC is also being used by High School students from across the road on a time share basis. In fact, the Elementary School also has an antenna based television set. Despite frequent power failure and technical hicups, PC has become a rallying point for children. There is no conflict between PC and the library. Library, Computer and TV could be available in a complimentary way. For whatever reason, TV on its own is not considered with same feeling of being a “resource”. Perhaps because it has been there longer and most of the time TV could not be viewed for various reasons. The point that need to be taken note is that idea of a Children’s Library for 7 – 14 years is not irrelevant and uninteresting as is made out sometimes. On the contrary, such a Library could be as popular, enriching and entertaining as the newer electronic media. Such a Library’s relevance, importance and contribution depends on how it is positioned, what kind of interest the teacher/ librarian takes, and how well it is stocked with well illustrated books in the local language. The relevance of such a library is that it provides an early opportunity for children to have a broader outlook before they move into the competitive world. It helps them with a perspective for making better choices and options in their life and helps them add value to knowledge and use it in turn to make a difference in the world and to the world.

As a part of this movement and taking the idea further, those philanthropists who are running or supporting “private libraries” for public use, should consider converting the existing one into a Children’s Library and make available as many books specially selected for children of 7 – 13 age groups. Such libraries also need to redesign their working space as well as timings and subscribe to one or two children – interest magazines in Telugu.

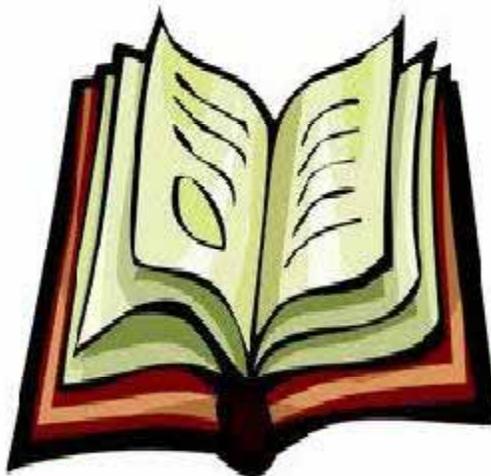
More importantly, Local Library Authorities also need to reexamine their priorities, and strategies of reviving public libraries and refocus. Despite public paying a “library cess” annually as a part of basic

taxation package, adequate concern for relevance and use of libraries is not there today. Pending such a much needed effort to revamp public libraries, each district Local Library Authority should launch an exclusive children’s library, either afresh or by converting an existing one on a pilot basis.

The costs involved in this Mudunuru experiment were primarily for the purchase of the books and book shelves (2 or 3). A Library could be established with Rs. 30-40,000 (25000-30000 for books, 5000-10,000 for shelves). The recurring costs include an incentive (and for registers) of Rs 1500 a year to the teacher for adding new books annually. This works out to Rs 1000 to 1500. That is an annual recurring cost of about Rs. 3000. With Rs. 50,000, for a five year period, such a children Library could go a long way in shaping the minds of some 300-400 young minds (assuming only one third of school going children will avail the books); That is about Rs. 20-25 per child in all. Eventually this recurring cost should become part of the school budget and the responsibility of operating the Children Library should become a formal responsibility of a school teacher. Analogous to programme.

Moreover, It is not so much the cost aspect that need to be bothered. As in the case of Mudunuru one or more local donors donated books and book shelves. The concern should be on the quality and supply aspect of books, their maintenance and motivation responsibility locally – these are far more important for the success of a children’s library. With Rs. 25000-30000 a library could become a resource point and a knowledge point for young minds. Village elementary schools could be the locate on the library if the school has a good building and one room in it could be spared. The next best is the local High School.

The long term outcome of such a library is that children get to know the importance of a “library” in their future studies / career. Secondly, inquisitiveness and certain spirit of enquiry will be inculcated in children at the very early years of their upbringing. Thirdly, over all perspective of those who had availed a children’s Library in their young age is likely to be holistic, humanistic, contended, and service oriented.



The immediate motivation for promotion of children's Library is that children should have an access and opportunity to read enriching books also instead of television becoming the primary source, children will also acquire better skills to discriminate good-bad in their TV viewing habits. All this apart, more people could keep up with ability to read in their own mother tongue (which otherwise is on decline). At the end of 3rd year (2007) we propose to conduct a more structured and systematic evaluation of the children's Library in Mudunuru.

The State Government should invite local donors to set up children's libraries (with an initial amount of about Rs. 25 – 30,000) and instruct the Elementary Schools to view such an activity as a part of school programme and should consider giving an incentive or honorarium (of Rs.1500/-) annually to the teacher in-charge of the Children's Library. Such a scheme in Andhra Pradesh (at the rate of one in Panchayat villages) would for example hardly costs more than a couple (3-5) of crores of rupees. The scheme deserves to be tried out across the country.

Monthly format for news channel ratings opposed

Priscilla Jebaraj

A move to announce the viewer ratings of news channels once a month – rather than the current weekly announcement – has spurred opposition from advertisers as well as some channels. The media research agency which releases the ratings has refused to implement the change until it receives written consent from all stakeholders.

The decision to shift from weekly to monthly ratings for all national news and business channels in Hindi and English was announced by the News Broadcasters Association on Thursday, citing an effort to improve news standards.

“News channels, being distinct from other genres, have a responsibility to inform and empower its viewers with quality programming...rather than providing content merely for garnering viewership,” said an NBA statement. Insisting that news programming cannot always be linked to popularity or audience measurement, the NBA said that standards could “only improve with time spent on strategic planning and research rather than knee jerk reactions taken on a weekly basis.”

Some channels have welcomed the move. NDTV's senior managing editor Sonia Singh deplored the way that news channel marketing often includes advertisements claiming the “No.1 position” on the basis of fragmented weekly ratings. “It's almost become like the Friday Box Office,” she said. “For the news business, content should be king.”

The senior editor at a leading Hindi news channel agreed: “Weekly TRPs are one of the reasons for the dumbing down of news channels,” he said. “The sword is always hanging over your head that by

Wednesday [when viewership ratings are released], you've to prove you are the best.”

However, this is not a universal view: industry sources say some of the opponents of the shift include those with representatives on the NBA Board which mooted the proposal in the first place. “Worldwide, the trend is toward daily ratings, so shifting in the other direction to monthly ratings seems rather strange,” said the senior editor of a leading English news channel. “Every industry needs benchmarks. The big advertisers are simply not going to stand for this.”

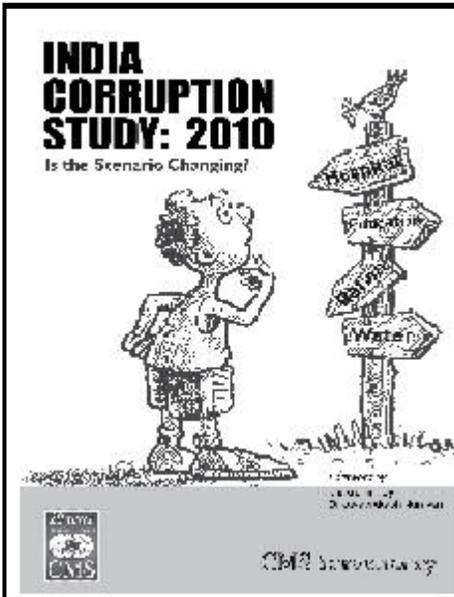
The NBA statement insisted the shift “would not in any way hamper the decision making of advertisers and advertising agencies” because they would continue to get access to data broken down to a minute or a day-part or a specific programme.

Advertisers not happy

Advertisers are not happy with the NBA's unilateral announcement. “[Monthly ratings] would be difficult to implement, because the advertisers who are putting their money into this, want day-to-day information,” said Nagesh Alai, who heads advertising agency Draft FCB in the region. He is also president of the Advertising Agencies Association of India, but emphasised that he was speaking in his individual capacity. While the NBA held a “cursory” meeting with the Advertising Agencies Association of India two months ago, there were no detailed discussions or tacit agreement to go ahead with the shift, said Mr. Alai.

Courtesy: The Hindu (28 November 2011)

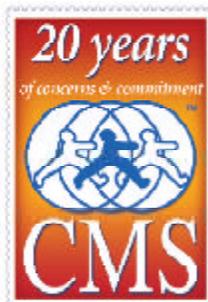
INDIA CORRUPTION STUDY (ICS) 2010



This is the seventh edition of studies undertaken by CMS since 2000 and fourth in the last five years. CMS has been constantly experimenting with the research methodology to focus on regions and sections of the society that desire specific attention on the extent of corruption in public services. The present report, based on ICS 2010 undertaken by CMS, focuses on household level survey in rural areas of twelve states. The four public services covered in this round are public distribution system (PDS), school education (up to class 12th), water supply services and hospital services.

This report brings out, first, general perception (P) of rural India about corruption in public services and in specific context of the four public services. The second section discusses rural households experience (E) again in general and specific context of each of the four public services. The third section brings out the estimation (E) of bribe amount paid by rural households of the twelve states in the four public services covered in ICS 2010.

Further, to bring out a comparative picture, the present report has compared with ICS 2005 round data of only rural households of the eleven states, covered during the round. Tripura was not visited during ICS 2005. For highlights: www.cmsindia.org



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