



Transparency Review

Journal of Transparency Studies

With civil society in active mode, the country is in for a turning point

Dr N Bhaskara Rao

A new wave of public opinion has forced - yes, compelled - a determined UPA Government to reverse its decisions, not once but thrice in a matter of couple of months. Only a couple of times earlier had we witnessed such a spectacle of Government changing its course going by public dissent. People and civil society groups forced the powers to reverse a decision taken rather stubbornly.

First, it was an amendment to the eight year old RTI Act. An all out effort by the ruling party to dilute the Act was averted. Although not all together. But referring the issue of bringing political parties under the purview of the Act to Select Committee of Parliament amounts to diffusing the determination of the Government when in fact it is an opportunity to political parties to get out of a chakravyuh like riddle. (*Read the issue of August 2013 TR "RTI best bet for Political Parties"*)

Then, it was withdrawal of an Ordinance sent to the President of the country on exempting criminal MPs in the Parliament from being disqualified going by a landmark Supreme Court judgment. Country wide outrage against the proposed Ordinance was what prompted the Vice President of ruling Congress party to go all out in tearing apart the Ordinance already with the President of India. Since then two MPs have even been disqualified from Lok Sabha membership and one from Rajya Sabha. Can we expect there would be no more convicted lawmakers after 2014?

Equally evident of Government bowing to public opinion is that Union Home Minister had gone back

more than once after a formal announcement for formation of Telengana dividing the state of Andhra Pradesh. In each case it was the voice of people that dictated the reversal of an abrupt initiative of UPA Government. In the case of Telengana however it is yet to be seen what or how the Government responds to massive public outrage which is divided for and against as intensely.

In that process in the last one year various fora of public opinion in the country got strengthened and a new found confidence is evident all across the country, not just in nation's capital where an Aam Admi Party gained ground substantially in a matter of few months time growing out as a civil society group.

Social networks have facilitated the wave and speeded up the process of consolidating public opinion but it is new found sensitivity which is triggering citizen activism. What should make us ponder is that certain disconnect of political parties and leaders in power with larger public concerns continues as if no earnestness for learning in our party politics.

Nevertheless, with such a trend gaining momentum, the country is in for big changes ahead in so many respects. Shifts in paradigms are surfacing. The concern now should be how this momentum could even make its mark on the very mind set of people, their concerns for future and also on deep rooted social issues. This is where the civil society groups need to gear up now. Chances of success are more than ever before. That is how it could be said that the country is in for a turning point.

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About CMS Transparency

The CMS Transparency team focuses on issues of good governance, raising awareness about the Right to Information Act (RTI) and empowering citizens to benefit from the legislation.

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



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Erred on RTI panel heads, SC says

Dhananjay Mahapatra

The SC admitted it was wrong in directing the govt to appoint only retired SC judges and HC chief justices as heads of Information commissions

The Supreme Court on Tuesday admitted that it had erred by directing the government to appoint only retired apex court judges and high court chief justices as heads of information commissions at the central and state levels.

Restoring the position provided under the Right To Information Act for appointment of chiefs of information commissions, a bench of Justices A K Patnaik and A K Sikri erased the court's September 13, 2012 judgment which directed that "the chief information commissioner at the Centre or state level shall only be a person who is or has been a chief justice of the high court or a judge of the Supreme Court".

Allowing the Centre's review petition filed in the wake of widespread protests against the SC judgment, which many termed as an attempt to give post-retirement assignments to judges, the bench said, "As Sections 12(5) and 15(5) of the Act do not provide for appointment of judicial members in the information commissions, this direction was an apparent error. It is for Parliament to consider whether appointment of judicial

members in the information commissions will improve their functioning."

The bench, however, lamented that an unfortunate experience had emerged over the years where information commissions were not able to harmonize the right to information under the Act and the right to privacy guaranteed under Article 21 of the Constitution.

This inability to harmonize two important yet conflicting interests could be because of two reasons: first, persons appointed as CIC or information commissioners did not meet the qualification prescribed under the Act, or second, "they do not have the required mind to balance the interests indicated in the Act and restrain themselves from acting beyond the provisions of the Act".

Writing the judgment for the bench, Justice Patnaik said, "This experience of the functioning of the information commissions prompted this court to issue the directions in the judgment under review to appoint judicial members in the information commissions."

Courtesy: The Times of India (04 September 2013)

HC nixes appointment of 4 AP info commissioners

Pioneer News Service

They had refused to sever their relations with Congress. This is second time that choice of congress leaders as State information commissioners has been struck down

In a major embarrassment to the beleaguered Government of Andhra Pradesh, the State High Court has struck down the appointment of four politicians as the State Information Commissioners.

This is second time that choice of four Congress party leaders as the Information Commissioners has been struck down. Earlier State Governor ESL Narasimhan had also returned their names with out approval. But he had to give in after the Kiran Kumar Reddy Government persisted with its choice of V Venkateshwarulu, Tanthiya Kumari, Imtiaz Ahmad and Vijayanirmala.

The appointment was challenged in the High Court by former Union Home Secretary Padmanabaiah, M Padmanabha Reddy of Forum for Food Governance and social activist VBJ Chelikani on the ground that this was not in accordance with the Right to Information Act as the appointees were politicians.

Passing orders on the batch of petitions, Chief Justice Kalyan Jyoti Sen Gupta and Justice KC Bhanu termed the appointments as whimsical, arbitrary and devoid of laid down procedures.

The court noted that even after their appointment the four had refused to sever their relations with

the Congress party while the law demands that they should not be member of any political parties.

The court directed the Government to make new appointments within six months in accordance with the procedure laid down in the Right to Information Act and court orders.

Leader of Opposition N Chandrababu Naidu had opposed the choice of the four Commissioners and sent a dissent note to the Governor.

Despite the refusal of the Governor to approve the names, insistence of the Chief Minister to go ahead with the same names had left the observers surprised.

Hailing the verdict, Telugu Desam Party general secretary Varla Ramaiah said that it was a big slap in the face of the Chief Minister. "He should resign immediately," he demanded.

Courtesy: The Pioneer (14 September 2013)

All parties in RTI net

DHNS:

CIC decision to bring in transparency, probity

The Central Information Commission (CIC) on Monday brought political parties under the ambit of the Right to Information (RTI) Act.

The CIC recognised the need for bringing the parties under public scrutiny in view of benefits like allocation of land at throwaway prices and tax exemption enjoyed by them. The CIC decision may usher in an era of transparency in the functioning of the parties.

A full bench decision of the apex transparency panel rejected the contention of major political parties like the Congress, Bharatiya Janata Party (BJP), Communist Party of India (CPI), CPM, Bahujan Samaj Party (BSP) and the Nationalist Congress Party (NCP) that they could not be described as public bodies.

"Large tracts of land in prime areas of Delhi have been placed at the disposal of the political parties in question at exceptionally low rates. Besides, huge government accommodation has been placed at the disposal of the political parties at cheap rates thereby bestowing financial benefits on them. Income-

Tax exemptions granted and the free air time at All India Radio and Doordarshan at the time of elections have also substantially contributed to the financing of the political parties by the Central government," the bench noted.

"We have, therefore, no hesitation in concluding that the INC, BJP, CPM, CPI, NCP and the BSP have been substantially financed by the Central

government and, therefore, they are held to be public authorities under Section 2(h) of the RTI Act," said the bench presided over by Chief Information Commissioner Satyananda Mishra.

Appellate authorities

The commission directed the political parties to appoint chief public information officers and appellate authorities within six weeks and furnish all details sought under the RTI Act in four weeks, as mandated by the law.

Attempts at bringing transparency in the functioning of the political parties have faced stiff resistance in the past. Affidavits filed by candidates with the Election Commission after every parliamentary election are sent to Income-Tax authorities for ascertaining their veracity. On most occasions, the I-T probe is never initiated due to lack of political will, said observers.

RTI activist Subhash C Agrawal and Anil Bairwal of the voluntary organisation Association of Democratic Reforms, on whose complaints the verdict was pronounced, hailed it as a "landmark judgment" which would set a "new benchmark in transparency regime."

A plea seeking information on land allotments and donations received was denied by the political parties on the pretext that they were not public authorities and therefore, they do not come under the purview of the RTI Act.



Public body

The parties had claimed that tax exemption could not be called “a form of government financing,” which was necessary for an organisation to be called a public body. This benefit was also available to several NGOs, they contended.

The 54-page order by the CIC bench, also comprising information commissioners Annapurna Dixit and M L Sharma, noted that “the tax exemption given to political parties was complete. In the case of the NGOs, it was strictly conditional.”

The CIC said the political parties, after being registered with the Election Commission, “get a number of benefits” like the right to accept contribution from both citizens and private

companies and complete income-tax exemption from all their incomes.

Under scanner

CIC takes note of benefits enjoyed by political parties

Observes that they are substantially funded by Central govt

Parties to appoint chief public information officers and appellate authorities within six weeks

They have to furnish all details sought under the RTI Act in four weeks

The parties had contended that they could not be called public bodies

They claimed that tax exemption could not be called “a form of government financing”

Courtesy: Deccan Herald (03 June 2013)

Government bodies undermine RTI

Vatsala Shrangi

Government ministries and departments all across the country are actively undermining the Right to Information Act 2005, by providing inadequate information to the applicants seeking answers. In more than 50% of the RTI applications filed every year, the quality of information received in reply is poor, say RTI activists. They say that government servants often evade queries by giving one-word replies, by resorting to bureaucratise, and sometimes by not even providing the applicants with the required files. Also, the penalty clause in the RTI Act, which provides for action against an official who does not cooperate in giving information, has not been implemented.

Some RTI activists in Delhi and Mumbai are now helping training common people on how to file RTIs that will force government servants into replying to their queries.

RTI questions have to be framed in a manner that the department concerned cannot escape by giving a “yes” or “no” answer, said Ashutosh Kumar, a Delhi-based RTI activist, who is a researcher by profession. Kumar has filed over 40-50 applications since 2007. Of these only in around 20 RTIs filed, he received a satisfactory response. To extract information for the rest he had to appeal over and over again. “I have filed a number of applications. However, after filing the

first 15-20 RTIs, I discovered that there was an acknowledgement for each of them, but no information. In some cases they called me to inspect the files, but did not make the required material available,” said Kumar, who is training people to file RTIs.

Kumar said that of the 10-15 RTIs filed by him to the municipal corporation of Delhi, he received information only in one. In this case, after he filed an RTI with the Municipal Corporation of Delhi’s maintenance department seeking an explanation for a commercial construction activity at a historical site, he was called for a site inspection. At the site he found that the workers there had permission to carry out the work. He added that of all the administrative branches, the land and building department of municipal corporations, DDA, PWD, PDS and defence are the most evasive.

Sohini Paul, who works with an NGO, Commonwealth Human Rights Initiative (CHRI), which trains people in filing RTIs, said that some government offices deliberately delay answering queries. “The stipulated time for an RTI response is 30 working days. But in some cases, on the 29th day the department will send a reply saying it does not have the said information,” said Paul.

“Many activists get disappointed because they fail to get a clear response to what they sought. What people expect of these officials is an

admission of guilt, which does not happen as many departments dealing directly with the public tend to lie and conceal information. To gain real information people must study the entire subject and ask for showing copies of documents rather than asking plain questions.

Except for building projects one can get any kind of information by asking for documents. In cases of builders, however, the department will not show any records for the pressure on them. It has proved dangerous for many whistleblower RTI activists as well who lost their lives in this pursuit," said Krishanraj Rao, a Mumbai-based RTI activist.

Rao had filed an RTI to the licences department of the Brihanmumbai Municipal Corporation

(BMC) seeking information on fire safety a few years ago. The department called him for an inspection of the files, but the files available did not provide any information pertaining to the query. He was then told by another official that the required file was stored somewhere else. Rao moved from office to office before getting the records.

He added that in many government departments, information is not centrally stored. Most of them still use the file system despite having computers. So the applicant has to run around departments to get the required information.

Courtesy: The Sunday Guardian (15 September 2013)

If there has been talk of any RTI amendments, it has been muted

Anuja

Lack of proper maintenance of records by the government is one of the biggest roadblocks in the implementation of the Right to Information (RTI) Act, said **Satyananda Mishra**, India's outgoing chief information commissioner. Mishra, who was part of a bench that gave an order to bring political parties under the transparency law, said in an interview that the government is sensitive to the fact that an attempt to reduce the scope of the law would meet with fierce resistance from the people. Mishra will retire on Wednesday after a five-year stint at the Central Information Commission. Edited excerpts:

You have spent five years at the Central Information Commission (CIC)? How has your experience been?

I had a very satisfying tenure here because when I came from the DoPT (department of personnel and training) I had some idea about the Commission but I did not have a really clear idea of what the commissioners do. So, in the beginning there was a bit of curiosity but once I came here it was quite exciting because you are not in the government but you have a clear view of what is going on in the government. This gives a vantage view of what is happening in the government. This also gives an idea about to what extent people are disgruntled because by and large information is sought because people have a grievance or a complaint

or they have apprehensions or they have doubts about how the government is working. This also gives an idea about what the people are thinking about the government...through RTI you get a realistic view of what people are thinking about the government. So that way it was quite interesting.

It has been eight years since the RTI Act was passed. Do you think the implementation has lived up to the spirit of the law?

When the Bill was being piloted and the Act was being passed, there was a tremendous amount of hype about the Bill and what it can do, but like everything else when it actually gets rolled out on the field, it is not like what you have thought and I would not say that RTI is any different from that. If people had thought that there would be a countrywide spread instantly, that hasn't happened. If people had thought that government doors would open, that has not happened but compared to all other laws of its type, RTI in its eight years has done considerable progress.

In spite of it, so forcefully compelling the government and its ministries to give information of all kinds, the demand for its amendment to reduce its scope has not been articulated in a very forceful way by anybody within the government. If there has been any talk about its amendment, it has been very muted.

Why do you think the government's voice is muted on this issue?

The government is responsive, very sensitive to the fact that if there would be any attempt to reduce the scope of the law, to abridge and shrink the right would meet with very fierce opposition from the people.

Do you think there needs to be a greater accessibility within the government about the RTI Act?

Something which is new and is quiet contrary with the earlier practice is not something which would be accepted with open arms...and RTI is not an inert thing, it is a very dynamic thing. Therefore to accept it and to give information under it is something to which people will get used to over time.

That there is still a lot of apprehension, fear, reluctance and to some extent even resistance in some quarters about sharing information, I am not surprised. But the only way to open the government more and more is to keep constantly trying.

How do you react to the political opposition to the order on bringing political parties under the transparency Act? Were you expecting such a backlash?

I would say that while I am in the information commission, it would not be just and proper for me to comment about how the order has been accepted or not. That would be unfair and that is not how quasi-judicial bodies have to function.

But, do you think such a kind of unanimous opposition may not set the right kind of precedent in the whole context of polity and governance?

When a law is made, it is not expected that everything in the law would always be expected...we are not like the Supreme Court. If an order is passed by the Supreme Court, whether someone likes it or not, it has to be accepted because then that becomes the law of the land.

So, I don't think we should treat any reaction to an order of this Commission should be seen in an extremely alarmist manner.

What do you think is the biggest roadblock in the implementation of the RTI Act?

The biggest roadblock in the implementation of the RTI Act is the record-keeping within the government...this has not happened. So when someone seeks information then getting the information and locating the information becomes difficult. One of the biggest problems is non-traceability of the desired information. So, we simply don't find an information because record keeping is in a mess.

Number two is the kind of awareness about the role and responsibility vis-à-vis the RTI Act has not really taken place. So, every ministry or department appoints its information officer and the rest of the people in the department think that now it is only the responsibility of the information officer.

Third, even among the information seekers or citizens there is utter lack of training about what information to seek and what to do with that information.

Fourth, I would not spare the commissions also whether it is central or state information commissions are itself becoming somewhat roadblocks.

In the sense, that they are not able to dispose of the appeals and complaints in time and when cases and appeals keep pending for months and sometimes even for years, then it automatically acts like a roadblock. Information has a very short shelf life.

If I want an information today and I don't get it for months then there is no point in getting that information. The competence level of commissions, for whatever reason, is also acting like a roadblock.

It is the third time that you are anchoring the CIC convention. What is the theme this year?

This convention is taking stock of last eight years and many issues have been raised in this period like what has RTI done really. So, this time we

Satyananda Mishra relinquish as cic after delevering land mark judjment bring up polticial parties under RTI regine. This is the last interview Mishra gave to news media.

have kept the subject RTI and inclusive growth for in depth discussion We have been hearing in the last one year, economic development versus inclusive growth.

Where everybody in the society is getting a share of the growth and whether RTI has played or can play a role in ensuring that more and more people benefit from this growth story.

What are your plans after you leave office?

By the time I leave, I would have completed nearly 42 years within the government and that is a long time.

Do you see yourself doing something around the RTI Act?

I think so and I have conveyed to people that I am available and in whatever way I can join them.

Courtesy: Mint (02 September 2013)

‘RTI has changed equation between citizen and govt’

Himanshi Dhawan

National Campaign for People’s Right to Information co-founder Aruna Roy tells Himanshi Dhawan that while RTI has given India hope, people need to be eternally vigilant against those trying to weaken the Act

Eight years on, what is the impact of the RTI Act on the common man’s life?

The Act has changed the power equation of the Indian citizen with the government. It has given the ordinary Indian a tool to exercise her sovereignty — to ask questions and demand answers. The RTI application has forced panchayats, states and the Centre to disclose information, and has initiated an era of citizen-driven transparency and accountability.

Should non-government institutions also be brought under its ambit?

From the beginning, the RTI campaign has strongly advocated that all institutions that use public money and affect public interest must be brought under the ambit of the Act. This includes NGOs, political parties, the media, trade unions, cooperative societies, religious institutions, and many others. Transparency and accountability would be incomplete without ensuring that the private sector is subject to RTI in so far as it affects public interest.

Has RTI improved governance?

It has brought the energies of public-spirited Indians to the domain of democratic governance. It has helped reduce corruption and arbitrary use of power. It has given us hope. Contrary to the allegation that it has resulted in policy paralysis, RTI has and will eventually ensure accountability

and efficiency so that bureaucrats and policymakers do the job they are paid to do with integrity, effectively and efficiently. Many honest and committed public officials have told us that RTI is a great tool, particularly to ensure efficiency which is often a victim to corrupt practices and nepotism.

Do you feel there is a lack of awareness about the RTI Act?

Awareness about RTI has spread more rapidly than most laws in India. However, it is not enough. RTI has the potential to change the culture of exclusion and secrecy to one of openness and inclusion. Citizens have displayed courage, commitment, and creativity in putting it to use. The many victims it has claimed speak of both its effectiveness and the need for protection. It is our responsibility to try and create platforms and avenues where such meaningful democratic participation can be fostered.

What are the obstacles in the implementation of the Act? How can they be overcome?

Bureaucratic resistance and the lack of political will continue to threaten the Act, though there have been notable exceptions. If citizens remain vigilant and receive support from people within the system, this movement will progress significantly. The citizen’s sustained struggle against injustice and inequality is its most significant contribution and the most encouraging sign for Indian democracy.

Courtesy: The Times of India (15 October 2013)

Eight years of the Right to Information Act

Anuja

RTI's success is often credited to citizens who have been relentlessly harnessing it as an act of public good

In 2004, in the first winter session of Parliament after the Congress-led United Progressive Alliance (UPA) came to power, a group of activists went to meet Prime Minister **Manmohan Singh** with a request to introduce legislation guaranteeing the Right to Information (RTI).

They wanted it done posthaste.

“The government was new and enthusiastic. We knew that if the RTI Act did not come up then, it would never be able to get passed,” said **Shekhar Singh**, a member of the National Campaign for People’s Right to Information (NCPRI), who was present at the meeting.

The Prime Minister, when asked whether he would introduce the Bill in that session, replied that he would as he was under a “lot of pressure” to do so, Singh said. An email sent to the Prime Minister’s office on Monday to comment on this story remained unanswered at the time of going to press on Thursday.

As it happened, the Bill was indeed introduced in that very session and duly passed by Parliament in June 2005.

It became law on 13 October 2005, giving every Indian the right to seek information from any public authority, in the process promoting transparency and accountability in the functioning of India’s democracy.

On Sunday, it enters its ninth year of existence.

Political parties have attempted to dilute the sunshine legislation and the potential for its misuse has been a concern, but RTI remains one of the most potent modern legal weapons to fight opacity in public office and to hold officials accountable for wrongdoing.

That politicians continue to fear RTI’s potential to intrude into their turf was made clear when the entire political class stood as one earlier this year in opposing a proposal by the Central Information Commission (CIC) to bring political parties under the ambit of the transparency law.

The UPA government swiftly introduced an amendment to safeguard political parties. At the end of the monsoon session in September, however, the government sent the controversial Right to

Information (Amendment) Bill, 2013, to a parliamentary standing committee for scrutiny.

The beginnings

Momentum for such a law had been building up even before the UPA came to power in 2004. One of the earliest versions, called the Freedom of Information Bill, 2000, was brought in by the National Democratic Alliance (NDA) government led by the Bharatiya Janata Party (BJP).

The draft law, which was criticized for having too many exemptions, was enacted in 2002, but it never really took off.

“In early 2004, when we were having a meeting of activists on the RTI Act at my office, (veteran RTI activist) **Aruna Roy** got a call from a senior Congress leader saying that the party wanted to add RTI to its manifesto,” Singh said.

“We sent two paragraphs about the Act and a few weeks later we found out that it had found a place in the Congress manifesto for the 2004 Lok Sabha election.”

Soon, it was adopted by the UPA’s common minimum programme, and received a decisive push when the **Sonia Gandhi** led-National Advisory Council (NAC), which acts as a bridge between so-called civil society and the government, threw its weight behind it in 2004.

Roy, one of the early activists instrumental in drafting and creating awareness about RTI, was also made a member of the NAC.

In the past few years, RTI has helped expose several scandals at the national and state levels, including the Adarsh Housing scam in Mumbai, in which politicians and civil servants appropriated for themselves and their kin apartments meant for Kargil War widows; the mismanagement of the Commonwealth Games in 2010, and irregularities in the allocation of 2G spectrum and licences in 2008.

“One of the biggest takeaways in the last eight years is that the Act has not been tampered with yet. Although the government has tried to put statutory restrictions in the past, it failed to do so owing to tremendous public pressure,” said **Venkatesh Nayak** from the Access to

Information Programme of the Commonwealth Human Rights Initiative in New Delhi.

Information seekers

The success of the landmark legislation is often credited to citizens who have been relentlessly harnessing it as an act of public good—to redress personal grievances, to expose public scandals, and to compel authorities to be more accountable.

According to a yet-to-be released study by Nayak's organization, at least two million RTI applications have been filed with public authorities under the Union government and 10 state governments over the last one year.

"This is only for 11 jurisdictions. If one extrapolates the number to the entire country, this would stand to over 40 lakh (four million) queries in a year, a number equal to the electoral strength of four parliamentary constituencies.

"This is where the real power of RTI lies," Nayak said.

One such relentless user of the Act, widely known for his work, is **Subhash Chandra Agrawal**. At last count, Agrawal, who has been using the Act since the day it took force, had filed 6,000 RTI applications, of which only 600 reached the appellate bodies—the state information commissions and the CIC.

"In my experience, the process of seeking information under the Act is simple and easy. The information seeker should just have a high willpower and right intent," said Agrawal. "However, I would agree that the chances of succeeding in getting information increases if it is being sought from a central public authority."

Weak links

According to users of the RTI Act and experts, two of the weakest links in the implementation of the law are public authorities from whom information is sought and the information commissions.

While public authorities are often criticized for their reluctance to share information, the information commissions—both at the central and state levels—have their own difficulties: they are burdened by piles of RTI applications, but don't have enough staff to deal with them. "Information commissioners are appointed without any process and many of them have no real commitment to

RTI. Many of them do not even put in 40 hours' work each week, and often do not show much concern for RTI... They have failed to own the RTI Act with enthusiasm matching the citizens, who are therefore feeling very dissatisfied with their performance," **Shailesh Gandhi**, a former information commissioner at the CIC, said in an email interview.

As of Wednesday, the CIC had 23,589 applications to deal with. But the CIC, which can have a maximum of 11 information commissioners, including the chief, has only five.

Shailesh Gandhi also feels that some recent judgements of the apex court are "generally not enthusiastic" about the law.

The Supreme Court, in a ruling last year, said information commissions at the central and state levels should have two-person benches, with one person being a "judicial member" and the other an "expert member".

However, it recalled the ruling last month, and left it to Parliament to decide on.

The Act has had dangerous repercussions as well—there have been violent attacks on RTI activists, and some have been killed.

In 2011, activist **Shehla Masood**, who worked on anti-corruption and wildlife issues, was shot dead in Madhya Pradesh. Gujarat activist **Amit Jethava**, who filed applications against illegal mining, was murdered in 2010, and **Shashidhar Mishra**, who used the law to expose corruption in local bodies, was shot dead in Bihar in the same year.

"Since many big scams are being unearthed using RTI, people from affected organizations often resort to violent means and they try to intimidate RTI activists," said **Amitabh Thakur**, an activist and founder president of the Lucknow-based National RTI Forum.

But the veteran foot soldiers remain positive about the Act.

When RTI activists staged a sit-in protest in Rajasthan several years ago to press for legislation, the sceptics who thought it would never happen even included many supporters of the campaign, Roy said.

"It is historical...something which has given us all hope that if a government can pass an RTI Bill unanimously in Parliament, then there is hope for a country like India," she said.

Courtesy: Mint (11 October 2013)

‘NGOs with substantial govt funding under RTI’

The Supreme Court Monday ruled that all private organisations and NGOs will be obligated under the Right to Information Act to disclose information if they were substantially financed by the government. These organisations could fall within the definition of public authority under the transparency law since they received substantial government grants, it said.

However, it would be for the person seeking information from such organisations to prove that they were financed “substantially” by the government.

The court said the government may not have any statutory control over the NGOs, but if a

particular NGO had been substantially financed directly or indirectly by the government, they would come under the ambit of the RTI Act.

“Consequently, even private organisations which are, though not owned or controlled but substantially financed by the appropriate government will also fall within the definition of “public authority” under Section 2(h)(d)(ii) of the Act,” held a Bench of Justices K S Radhakrishnan and A K Sikri.

The Bench was hearing an appeal filed against a Kerala HC order, holding that all cooperative institutions coming under the administrative control of the Registrar came under the RTI net.

The Bench, however, overruled the order.

Courtesy: The Indian Express (08 October 2013)

Mind the Gaps

Himanshi Dhawan | TNN

For all its success, the RTI law faces major challenges. One of these, ironically, is lack of transparency in the way it is being enforced

Eight years after the Right to Information (RTI) Act — arguably one of the most powerful pieces of legislation in independent India — came into force, significant gaps have hampered its implementation. Activists have been vocal in their criticism of the slow progress by the government to adopt the law and implement it. TOI looks at the bottlenecks.

Flawed process

The RTI Act faces a basic challenge by not giving any teeth to the appellate authority in the case of a first appeal. So if a person is denied information in the 30-day time period, they have the option of filing an appeal with an appellate authority — usually a senior officer in the department concerned — who cannot take any penal action against the public information officer. The action comes only after the state/ Central Information Commission has disposed of the appeal. “The fact that the appellate authority doesn’t have any teeth and there is no fixed time frame in which information commissioners need to resolve the complaint is proving to be a huge challenge in implementing the Act,” said Anjali Bhardwaj, convener of National Campaign for People’s Right to Information (NCPRI). Also, the penalty provision for not adhering to timelines or providing inaccurate

or inadequate information is rarely used. “Penalties not being imposed even when there is reasonable ground just gives out the message that violation of the law is alright,” Bhardwaj added.

Functioning of commissions

There has been strong criticism about lack of transparency and record maintenance in information commissions, which is ironic because the relevance of the RTI Act is deeply dependent on their efficient functioning. Most commissions are facing a huge backlog: the Central Information Commission (CIC) alone has 20,000 pending cases. There is also complete opacity in appointment of commissioners. Activists fear that it has become a happy hunting ground for retired bureaucrats rather than people genuinely interested in transparency and accountability in government.

Disclosure under Section 4

RTI users are clear that the Act can only be truly implemented in spirit if proactive disclosure of information mandated under Section 4 of the Act is taken up with full force. Venkatesh Nayak of Commonwealth Human Rights Initiative says, “The Act mandates that information should be provided in a form and language that is accessible. India has an internet penetration of 10% so efforts

must be made to use other forms of dissemination.” These would include use of public libraries and other media such as print, radio and television. Giving the example of the NREGA portal, Nayak said information was available on the work given, muster rolls, wages given for 15 days of work in every little village.

“It shows information can be provided if there is willingness. Why can’t all public authorities follow suit?” he asked.

Amendments

One of the biggest challenges people have faced and resisted are frequent attempts to amend the Act. The government managed to get the CBI exempted from the purview of the law. Whether it is exclusion of file notings or proposals to disallow

“frivolous and vexatious” applications, not to forget the most recent attempt by political parties to remove themselves from the ambit of the law, RTI has had its share of trials.

Association for Democratic Reforms co-founder Jagdeep Chhokar warns that the legislation has tremendous potential for ensuring accountability and transparency but only if moves to dilute it are resisted.

Attacks on activists

The absence of an effective framework to protect RTI activists and whistleblowers is a major deterrent. “We need to give certain protection to those who are less empowered than people within the system. There are no adequate safeguards within the law which has resulted in so many deaths,” said Bhardwaj.

Courtesy: The Times of India (18 October 2013)

EC to bring manifestos under model conduct code

Chetan Chauhan

EC Would Prescribe Dos And Don'ts On Announcing Freebies By Political Parties

The Election Commission (EC) will come out with open-ended guidelines to regulate manifestos of political parties and also bring them under the model code of conduct.

The Commission has worked out guidelines that would impose restrictions on political parties to announce freebies on the lines of religion and any other issue prohibited under the Constitution. It would mean that the parties would not be able to declare reservations for Muslims as reservation on religious lines is prohibited under the Constitution. “Anything which is not allowed in the Constitution should not be part of the party manifestos,” a senior election commission official told HT. “We are clear that the manifestos cannot be against the spirit of the Constitution”. This would be explicitly mentioned in the guidelines on manifestos to be released in a few days. More than coming out with the guidelines, the biggest problem for the commission is how to enforce it. For that, the commission will have to make the model code of conduct applicable to the manifestos. But, the code comes into force when the commission announces the election dates and it remains in force

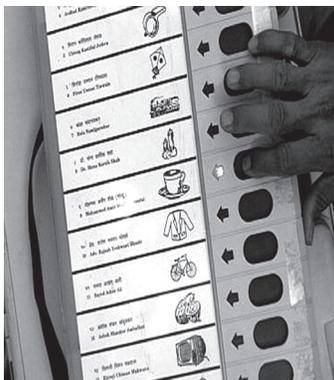
till the election results are out. The commission has worked out an exception by making it applicable to the manifestos even if they are announced before the commission declares elections. For manifestos, the model code of conduct would be applicable up to six months before the expiry of the term of the legislative bodies — state assembly or the Lok Sabha.

An official said that the political parties do not have a problem on extending the code for manifestos provided the guidelines do not restrict their freedom. “We have taken into account several concerns raised by the parties,” the official added.

The commission would prescribe dos and don'ts on announcing freebies by the parties. It would include allowing freebies that relates to inclusive growth of the weaker sections of the society as a whole rather than a certain caste or religion.

“Free education for girls is not a problem but we don't adhere to the idea of it being only for girls of one community,” the official said. The commission may also impose restrictions on providing free electronic items such as television in the name of social uplift.

Courtesy: Hindustan Times (22 August 2013)



The freebie nation

Instead of Providing tablets to students, the centre should focus on improving their basic skills

You know elections are round the corner when freebies tumble out the government's secret cove even before you can utter "Open Sesame". According to media reports, the Union government is planning to distribute more than 20 million tablets to senior school students throughout the country at the cost of Rs. 8,000 crore and for reasons known to all, it wants to complete the project within the next financial year. So where will the government get money for these freebies? Officials are greedily eyeing the Universal Service Obligation Fund that is built from a share of annual revenues given by telecom operators to the government to spread technology in the rural areas. Whether the Congress will do a Samajwadi Party and load its symbol on the tablet screen is still not clear.

This story should be read together with another one that appeared in the media on the same day. A survey done by Child Relief and You, a non-

government organisation, has revealed that nearly one-fourth of primary and upper primary schools in India function without blackboards. The study was conducted in 750 schools across 71 districts in 13 states. It also found that more than 75% of schools lacked furniture and in 41% of schools, students were taught in the open. The study also found that three years after the Right to Free and Compulsory Education Act 2009 was rolled out, there are many schools that still do not meet the mandatory requirements. Studies have also shown that even though there has been an increase in enrolment, the quality of learning has been dipping.

Instead of spending money on such gimmicks, the government should invest more time, money and energy into improving our school infrastructure and quality of education so that children can find their feet in a knowledge economy. Computer literacy is required, but first the basic skills please.

Courtesy: Hindustan Times (21 August 2013)

Unable to define freebie, EC to let parties decide

Bharti Jain

While the Election Commission (EC) prepares to hear political parties on how to implement the Supreme Court order on regulation of poll manifestos and freebies, it has still not zeroed in on its own definition of a freebie, as distinct from a genuine policy pledge.

The ECs study of measures followed by other democracies to govern manifestos has not thrown up any answers. Information gathered from two international organizations and seven poll authorities yielded no parallels of election bodies imposing curbs on poll promises.

So, the panel has, while seeking the views of parties on the framework of guidelines on freebies, timing of release of manifestos and practicability of implementation of freebies as regards their social and economic impact, chosen to stick to the Webster and Oxford dictionaries definition of a freebie : something given free of

charge. The fact that freebies are to be regulated under the model code of conduct has the EC wondering how effective these regulations will be, as the code offers no punitive powers. The poll panel will leave it to parties to agree on a definition of a freebie during the August 12 meeting. Even the government and political parties may not be too keen on the curbs. Shouldn't we declare the welfare measures to be undertaken in our manifestos said a minister.

A study by the EC found that only Bhutan and Mexico scrutinize poll manifestos prior to release. While the Bhutanese poll body can keep out promises that may undermine security, or seek poll gains on grounds of religion, ethnicity and region, Mexico's Federal Electoral Institute studies manifestos against principles and proposals made by that party at the time of registration.

Courtesy: The Times of India (07 August 2013)

Now, netas must divulge criminal past

PNS

Non-disclosure of information about an election candidate's criminal antecedents, educational qualification and asset declaration will now attract automatic rejection of nomination paper, ruled the Supreme Court in a significant ruling on Friday.

Laying down this strict rule for the Election Commission to follow ahead of crucial Assembly polls in five States and the upcoming General Elections, the Court felt that without such a deterrent, the earlier decision of the Court in Association of Democratic Rights case (2002) making disclosure of information mandatory would lose meaning.

"The citizens are required to have the necessary information at the time of filing of the nomination paper in order to make a choice of their voting. When a candidate files an affidavit with blank particulars, it renders the affidavit itself nugatory," said a bench of Chief Justice P Sathasivam and Justices Ranjana P Desai and Ranjan Gogoi. In the opinion of the Court, non-disclosure violated the fundamental right of the citizen to know. "Therefore accepting affidavit with blank particulars from the candidate will rescind the verdict in ADR case."

Putting the onus to enforce this decision on the Returning Officer (RO) before whom the nomination is filed, the Court held that it would be the duty of the RO to point out to the candidate about the blank spaces in the nomination paper or

accompanying affidavit. The candidate would be at liberty to enter 'Nil', 'Not Applicable' or 'Not known' against the empty columns.

"If a candidate fails to fill the blanks even after the reminder by the RO, the nomination paper is fit to be rejected," the bench indicated in its order, while reminding that the power to reject must be

exercised "very sparingly" but not to the extent that justice is prejudiced. The Court decision came on a PIL filed by NGO Resurgence India that argued in favour of rejecting nomination paper on account of non-disclosure. The Election Commission supported the suggestion but cited its limitation to reject nomination papers for

which it sought Court's direction.

The Centre pointed out a dichotomy arising from a 2003 decision of the apex court in PUCL case where a candidate could not be rejected for providing false information in the nomination form. He or she could only be proceeded against under Section 125(i) of Representation of Peoples Act. The bench rejected the argument but provided that for non-disclosure, no separate action under Section 125(i) would follow.

Courtesy: The Pioneer (14 September 2013)



473 schools in Punjab told to shut down

Sikander Singh Maluka

Punjab education minister Sikander Singh Maluka on Wednesday said 473 private schools, which did not implement the provisions of Right to Education Act, have been asked to shut down.

"Schools which yet not implemented the provisions of RTE Act have been asked to wind up their functioning immediately," a release quoting Maluka said. Nearly 37,813 affected students of these schools could get admissions in the government schools, the minister said.

These private schools had been given a deadline till March 31 to fulfil all the norms, he said. The education minister said a fine of Rs 1 lakh would be imposed on the schools which do not follow the government order and continue their operations. Instructions have been issued to director general school education to ensure the closure of these schools, he said. The district education officers have been directed to ensure the admission of affected students in the nearby government schools in consultation with their parents, the Minister said.

Courtesy: The Times of India (17 April 2013)

25% schools function without blackboard: Survey

M Ramya, TNN

While tablets and smart screens enter a few classrooms, nearly one-fourth of schools in India function without blackboards.

A sample survey titled 'Learning Blocks' conducted by non-governmental organization Child Relief and You (CRY) has revealed that primary and upper primary schools in the country do not meet basic requirements expected in an educational institution. The study was conducted in 750 schools across 71 districts in 13 states, including Tamil Nadu, Andhra Pradesh, Kerala and Karnataka, and three metro cities - Delhi, Kolkata and Chennai. "School education is synonymous with the blackboard. Education without blackboards cannot be imagined," said Vijayalakshmi Arora, director, Policy, Research, Advocacy and Documentation wing of CRY.

The study found more than 75% of schools lacked furniture and fixtures like tables, chairs and benches, and in 41% of schools, students were taught in open space. Experts said the reason for teaching outside the classroom could be attributed to poor condition of the classroom, non-availability



of teachers or inadequate number of classrooms. In the absence of a boundary wall, teaching outside the classroom could distract children and cause disturbance while teaching.

The study also rates our schools poorly on hygiene. While 11% of schools don't have toilets, and of those available 34% are unusable, almost one of two schools doesn't have water near toilets. In the north, almost 70% of schools did not have water near toilets. And, half the schools do not have soap near toilets for children to wash their hands after using the toilet.

Another area of concern is that close to 80% of schools surveyed did not have cleaning staff to keep the toilets clean. The study also found that only 7% of schools with a large number of tribal children have cleaning staff. "Lack of cleaning staff in schools indicates that children are forced to study in unhygienic surroundings. It also means that children are asked to do the cleaning. Experience shows that these tasks get assigned on social group basis," CRY said. About 44% had no electricity, particularly in schools in the east where almost 74% schools did not have electricity.

Courtesy: The Times of India (19 August 2013)

'Nothing wrong in parents opting for private schools'

Special Correspondent

Union Minister for Human Resource Development M.M. Pallam Raju has said the trend of more and more parents admitting their children to private schools is the reflection of increasing aspirations in the society.

"I don't find fault with the trend as the urge to progress fast is increasing in the society. It does not mean that quality of education is poor in the government sector, but they find it better in private schools.

There's nothing wrong in it", the Minister said while speaking at the second international

conference on Human Values in Higher Education here on Saturday. The Minister, however, admitted that poor infrastructure in government schools could be the main reason for preference for private schools. There was no dearth of quality teachers in government institutions as there were best of hands there and emergence of bright students from these institutions was an indication of it, he said.

Retention rate

A change was taking place in the government sector after the enactment of Right to Education.

The Act had improved the retention rate of students to 96 per cent and it was also aimed at improving infrastructure to attract more students towards government institutions, Mr. Pallam Raju noted.

Education, particularly at higher-level, should reinforce values among the students and it was the ancient India that taught the world the importance of human values in education through Gautam Buddha, he stated.

Unfortunately, it was not carried along in the country's education system lately, he felt and added

that efforts, even at a small scale, were on now to reintroduce it. Along with individual aspirations one must know what was his/her role in the society and aspects like research and development of intellectual property rights would have better results if inculcated with human values, he said.

Director of IIIT-Hyderabad Rajeev Sangal, Vice Chancellor of Royal University of Bhutan (RUB) Pema Thinley and others spoke at the inaugural session of the three-day meet jointly organised by IIIT-H, RUB and Punjab Technical University.

Courtesy: The Hindu (17 February 2013)

Poor education in govt schools leads to high dropout'

DHNS

Students made to do odd jobs, says forum

Social jurist member: private schools on government land try every trick to divert the mandatory 25 per cent seats for economically weaker section (EWS) category students

The Right to Education Act will complete three years on March 31. But members of Social Jurist, a forum working for the cause of education for all, said apart from non-implementation of the Act, quality of education provided by government schools should at least match the standards of Kendriya Vidyalayas to attain the goal of quality education.

"The situation is dismal everywhere. The government has failed to address the core issue of providing quality education to 200 million children in the age group of six to 14 years," said Ashok Agarwal, advisor, Social Jurist.

He said nearly 100 million children are still out of school. "Twenty million children with disabilities, 10 million children of migrant labour, and 40 million children engaged in labour and 30 million older children, particularly girls looking after siblings, are still out of schools," Agarwal said.

The members of the forum said dropout rate is increasing in government schools for the past three years.

At least 100 million children going to government schools are not getting proper education. There has been a high percentage of dropout in these three years due to lack of quality education, said a member.

Bleak situation

According to members, although the government's propaganda about the RTE Act has increased the demand for education, especially among the marginalised section of society, the idea of providing education for all is rather bleak with hardly any basic infrastructure and teachers in government-run schools.

A member said schools run by municipal corporations are the worst for children in Delhi. Mostly, poor students go there and teachers behave badly with them. They ask students to do odd jobs, the member added.

"Government schools are better if one compares them with MCD schools. But the situation is dismal in these schools too. Then private schools on government land try every trick to divert the mandatory 25 per cent admission for economically weaker section category students," said the member. The government has not taken any effective step to implement the RTE provision relating to EWS category students in unaided non-minority schools, the member said.

"Unless and until the standard of all government schools in the country is upgraded to the minimum level of Kendriya Vidyalayas (Central Schools), the goal of realisation of right to good quality education will remain elusive," said Agarwal.

Courtesy: Deccan Herald (29 March 2013)

Private school enrolments rise, but quality of education declines: Report

BS Reporter

Private schools in India attracted a large chunk of students in the 6-14 age group, according to the Annual Status of Education Report 2012 (ASER) by Pratham. However, the quality of education is on the wane in both private and government schools, the report noted.

The survey, which covered 16,000 schools across the country, found private enrolments rose from 18.7 per cent in 2006 to 28.3 per cent in 2012.

According to ASER, there has been a 10 per cent increase in private school enrolments over the last three years.

If the trend continues, the report forecasts, India could have half of its students attending private schools even in rural areas by 2018.

In 2012, more than 40 per cent of students in Jammu & Kashmir, Punjab, Haryana, Rajasthan, Uttar Pradesh, Goa and Meghalaya were enrolled in private schools. The percentage was even higher in Kerala

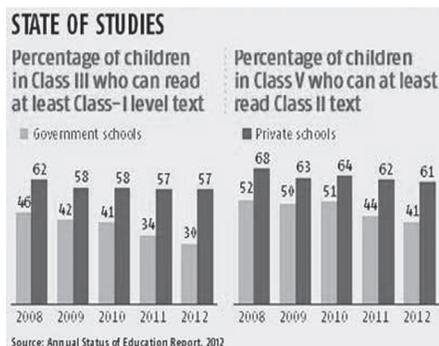
and Manipur, where 60 per cent were in private schools.

The report also found that in 2010, more than half of all students in Class V were able to read a standard II text book. However, this proportion fell to 48.2 per cent in 2011 and further to 46.8 per cent in 2012.

Compared to private school students, the decline in reading levels was more visible among those in government schools. The percentage of Class V students in government schools who could read a Class II level text fell from 50.7 per cent in 2010 to 41.7 per cent in 2012. 2012 was the year of mathematics

However, it was a bad year for basic arithmetic for students, the report noted. In 2010, seven out of 10 students enrolled in Class V were able to solve simple 2-digit subtraction problems with borrowing. This proportion declined to six out of 10 in 2011 and further to five out of 10 in 2012.

Courtesy: Business Standard (23 January 2013)



RTE just on paper as Deadline looms

Charu Suden Kasturi

LAXITY 24 states have not even appointed redressal officers

When a popular Pune school asked Ramesh Gaitonde for covert donations in exchange for his 5-year-old son's admission, the technology entrepreneur promptly cited the right to education (RTE) Act that bars schools from demanding capitation fees or donations.

But when the school challenged him to a Maharashtra has not appointed local law are to help parents seek justice against detain students, hold admission tests or have betrayal," Gaitonde said. "Not just to me, but

Three years after the RTE Act was appeal from the Prime Minister, no state has of the March 31, 2013 deadline to comply weekend, the human resource development law's implementation – accessed by HT – union territories have no local grievance

Parents can only approach courts or state (SCPCRS), which were meant as appellate authorities, not where parents first complain. Only Andhra Pradesh, Chandigarh, Dadra and Nagar Haveli, Haryana, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Odisha and Rajasthan have appointed the grievance redressal officers.

"This is a major area of concern," said Yamini Aiyar, a senior research fellow at the non-profit Accountability Initiative, who has closely tracked the implementation of the RTE.

Courtesy: Hindustan Times (29 March 2013)

SORRY FIGURES

- Only 11 states have appointed officers parents can complain to
- Only 18 out of 35 states and UTs have updated their curriculum
- About 20 lakh teachers are unqualified
- Almost 12 lakh teaching posts are vacant
- Only 59% schools have enough teachers
- 35% schools have no separate girls toilet
- 6% schools have no drinking water

legal battle, Gaitonde had no one to go to. grievance redressal officers who under the schools that seek donations, beat children, inadequate facilities or teachers. "It was a to all the young children in India."

enacted with an unprecedented televised completely complied with the law. But ahead with the RTE Act requirements this (HRD) ministry's latest assessment of the shows that 24 out of India's 35 states and redressal officers.

commissions for protection of child rights



15 TV channels break norms, lose licence

Himanshi Dhawan

Licences of 7 others suspended for changing their shareholding pattern or the board of directors without informing the govt

The I&B ministry has cancelled the licence of 15 channels and suspended the license of seven others for up to 30 days for failing to comply with licensing conditions. Most of these are regional channels.

The ministry has also issued notices to 38 channels for making changes in their board of directors and shareholding patterns without government permission. The move comes on the back of West Bengal-based Saradha group companies acquiring TV channels without prior intimation of the I&B ministry in violation of the uplinking and downlinking guidelines. "We have also issued notices to about 38 channels that have made changes in their shareholding pattern or board of directors without informing the ministry," confirmed I&B secretary U K Varma.

There are 877 general entertainment and news channels that have been given permission to operate by the ministry in last few years. Following the Saradha group scam, the government had issued notices to the 368 companies running these channels to provide information on their ownership

and management control and if there were any changes in that. All channels are supposed to comply by the uplinking and downlinking guidelines or face revocation of licenses.

About 22 channels have not responded to notices of which 15 are not operational. The ministry has decided to cancel their licenses while suspending the license of 7 channels that are operational but have chosen to ignore the government's communication. Most of these are regional channels.

So far 238 channels about 25 companies have admitted to changing shareholding patterns while nine have made changes in their board of directors. The ministry has issued notices to 32 channels who made changes in their shareholding pattern while 6 has made changes in their board of directors without informing the ministry.

There are an estimated 100 channels that have sought more time to provide information for which the ministry has asked for a self-certification attesting that no changes in management or ownership have been made.

Courtesy: The Times of India (29 June 2013)

The future of professional news

Vanita Kohli-Khandekar

News has to be bundled, subsidised or funded in a way that allows for the high costs of generating large amounts of quality reportage

Can news only survive as a patronage industry? It seems it is impossible to get good-quality, unbiased news unless it is funded by someone who doesn't have a profit motive. Of the three global examples of "good-quality" news brands, one is funded by a trust (*The Guardian*), the other by taxpayers (BBC) and the third by a benevolent state (Al Jazeera).

Note: this column talks of the news media business in mature markets, not in growing markets such as China or India.

Charlie Beckett is the founding director of POLIS, a think tank for research and debate on international journalism and society. POLIS is part of the London School of Economics' media and communications department. Mr Beckett reckons: "News has never paid except perhaps for the *Financial times* or *The Economist*. That is because they deliver hard news for people who are making money from that information. With that exception there has always been a cross-subsidy. News has always been bundled with something

else that makes money, like cable. The only reason I buy Sky is because of the cinema it offers. If you told people, ‘pay licence fees for BBC News,’ they won’t. But they pay for a bundle which has drama, radio and other entertainment.”

Mr Beckett is stating what has been evident ever since digital media hit the news business. That the aggregated news model that helped the news media survive through the golden sixties, seventies and eighties is being phased out by a disaggregated digital world. That the growth in digital media, though commendable, does not finance - or subsidise - professional content the way offline does. As audiences move online and advertising revenues don’t, all the brands that generate some of the best content will either shut down or scale down their investment in content generation, or get into other businesses (e-commerce, for instance) in order to fund good content.

Incidentally, pure news created only for online dissemination also doesn’t make money almost anywhere in the world. Ask all the entrepreneurs who got into “pure content” plays, as investors call them. Better still, check if the portals of leading newspapers or news TV brands make money - most don’t.

The point? News has to be bundled, subsidised or funded in a way that allows for the high costs of generating large amounts of quality reportage. Digital media is gathering users who are increasingly growing up on a diet of free news from media brands that are spending millions of dollars generating it. As those media brands bleed to death, what are the alternative models for professionally generated content? Once the last of the “old media brands” dies, what will this legion of readers on Google or other sites be fed?

“The State of the News Media 2012”, the Pew Research Centre’s annual report on the state of American journalism, offers research on the linkages between the business of newspapers and its impact on journalism. It states that total newspaper revenues in the United States fell from \$58 billion in 2000 to about \$34 billion in 2011. This includes advertising on newspaper websites (\$1.2

billion) and circulation revenues, which are stagnant at about \$10 billion.

Newspapers have been forced to cut costs of everything, including content. So foreign bureaus have shut, and reporters and editors are multitasking. More than 28 per cent of the staff at newspapers has been let go over the period of a decade. In 2011 a report quoted media economist Robert Picard as saying that wage levels, apart from at the top tier of organisations, are falling and will continue to fall and that a gradual “de-skilling” of journalism is in progress.

The impact this has on the quality of journalism is evident. It is impossible for editorial budgets today to fund the kind of reportage that broke, say, the Watergate scandal.

As the business around which hard, professionally generated news and analysis were built disaggregates and eventually disintegrates, the question arises: who can fund professional journalism? News organisations are coming up with some answers - such as getting more from pay revenues online, and getting Google to pay news organisations a share of revenues (as in France). Neither has made a dent in the revenue loss.

Funnily enough, for a profession that is about independence, the only practical answer is the rise of “patronage” investors - *a la* the arts - who think that professional journalism needs to survive. The Jeff Bezos-*Washington Post* deal is an example of such patronage. Mr Bezos, according to an account, believes in the kind of journalism that *The Washington Post* practises and he would like to see it survive. So he has invested money and will now invest his time in making it work. In the 15 months ending December 2012, Warren Buffett’s Berkshire Hathaway bought 28 newspapers for \$344 million. And Mr Buffett is still buying. His letter to shareholders gives a long-winded explanation as to why he thinks it will work, though it hasn’t so far.

This, then, throws up the next question: these are patrons because they grew up on good-quality news media; what will happen when the world runs out of them?

Courtesy: Business Standard (08 October 2013)

‘Govt in the dark on status of 13 schemes’

Nitin Sethi | TNN

The Government is unable to efficiently collate information to assess whether some of the 13 key flagship schemes are producing results or not

If the dictum ‘you can’t manage what you can’t measure’ is true, then the government has an unsure grip over at least half the 13 flagship schemes worth nearly Rs 2 lakh crore annually, almost 80% of the total spend on central schemes.

The government is unable to efficiently collate information to assess whether some of the 13 key flagship schemes are producing the results for which crores are being spent every year, Planning Commission’s think tank, Institute of Applied Manpower Research, (IAMR), Said.

Two programmes that have made great strides in providing detailed information are the rural employment and rural roads schemes. But for the few that have improved, allowing not just the government but also the public at large to assess the quality of work, there are several others which are floundering, the IAMR study has found. With

the data being collected, its not possible at the moment to assess if flagships programmes such as Integrated Child Development Scheme, rural telephony, irrigation and mid-day meals are meeting their objectives, the think tank said. The IAMR report said that in most schemes, there was a weak connection between data on what was implemented and what goals were really achieved. “This is applicable for majority of flagship schemes, except PMGSY and MGNREGS,” the study said.

The information collected also differed from other authenticated sources of data. “For instance, Integrated Child Development Scheme and National Family Health Survey are quite inconsistent in respect of data on level of malnutrition for each state and hence at national level. Data authentication and validation is a criterion that is not followed in many schemes,” the study said.

Courtesy: The Tiems of India (29 May 2013)

EC’s ‘name and shame’ policy to battle paid news

Chetan Chauhan

The Election Commission has cracked the whip on media houses and candidates indulging in paid news during elections by adopting a “name and shame” policy.

The Commission in the last few years has increased its vigil against paid news, considered an election malpractice, across the country.

As many as 42 cases of paid news were reported in Karnataka during the assembly elections in May, whereas over 80 cases of paid news were reported from Tamil Nadu during last year’s assembly elections. There were 276 cases of paid news in Gujarat, 104 in Himachal Pradesh and 250 in Bihar during the assembly polls.

According to the EC, paid news is an advertisement under the grab of news promoting a particular candidate. The district media certification and monitoring committee headed by the district electoral officer is responsible for spotting instances of paid news.

As per the commission’s latest directive to all Chief Electoral Officers (CEOs), the decision of

the committee on paid news would be posted on their respective websites as part of its “name” and “shame” policy.

“The name of the media house and the candidate would be posted on the website of the CEOs and the EC once a paid news is confirmed,” said Akshay Rout, director general (media and communication).

However, lack of proper investigation has been a major issue in identifying paid news items. Commission officials said CEOs have to ensure that a final decision on paid news is taken only after hearing to all sides of the story. “We would like them to consult the Press Council of India in case of print media and News Broadcaster Association in case of electronic media,” a senior commission official said.

Once a news item is declared paid news, the Commission adds up its cost as election expenditure of the candidate sponsoring the news item. However, it cannot take any action against the candidate or the media house.

Courtesy: Hindustan Times (13 June 2013)

Politics of poverty debate and maze-like numbers

Neena Vyas

For most of us who are neither economists nor expert number crunchers, the debate or rather the angry exchanges between analysts on the latest poverty numbers in India are bewildering.

Common sense tells us that if the so-called poverty line were to be drawn higher, it would have to be compared to a similarly higher poverty line for the preceding years to which it could be compared. In 2004-05, the official poverty estimate based on the calculations of the 1993 expert group (Planning Commission sources) found that 27.5 per cent Indians (28.3 per cent rural and 25.7 per cent urban) were below the poverty line. The all India drop in poverty rates from the estimate of 1993-94 using the same methodology was 8.5 percentage points.

However, the fact is that if the Tendulkar methodology were to be applied to the 1993-94 and 2004-05 poverty estimates, the drop in the all-India poverty estimate would have been 8.1 percentage points (from 45.3 per cent to 37.2 per cent), 0.4 percentage points less drop than the estimate of the 1993 expert group and the estimate of all the poor below the poverty line nearly 10 percentage points higher. No hue and cry was heard then.

No one, especially those like us who are living comfortably on obscene incomes by Indian standards, can or should claim that the Tendulkar poverty line calculated on the basis of purchasing power parity of 1.25 dollars per capita per day is enough for a person to keep body and soul together. But it must also be emphasised that Tendulkar took as his base the World Bank's internationally accepted standard of estimating poverty. So why all this politics about the fall in poverty rates?

Why is it that again and again on a variety of issues analysts judge the present government on the basis of a different yardstick than what has been used for decades? If truth be told, poverty estimates since 1973 have been underestimations. There may be an urgent need to redefine the poverty line but that cannot be an excuse for mud-slinging. There has been endless fault-finding for fixing the poverty line at Rs. 27.20 per capita per day in rural areas and Rs. 33.30 in urban areas, which works out to an income of Rs. 4080 for a rural family of five and Rs. 5000 for a family living in urban areas.

This estimate showed, according to the Planning Commission, that nearly 270 million people or nearly 22 per cent of the population had incomes below this level. That is all that the figures should be taken to mean, not that only 270 million are poor and the rest rich. It must be remembered that this was not the first time that a poverty line had been drawn at a low level. The 1993 expert group line was even lower.

Realistic calculation

If one were to make a quick realistic calculation on the basis of prevailing prices in urban areas (Delhi, for example), it would take roughly Rs 6000 a month to feed a family of five moderately well. Thirty kilograms of cereals for Rs 700 (less if it is from the public distribution shops); 5 kg dals at Rs 400; 3 kgs of sugar Rs 100; cooking oil Rs 300; one litre milk daily for Rs. 900; spices Rs 250; vegetables and fruit Rs 2100; 3 dozen eggs Rs 150; and half kilogram meat or chicken once a week Rs 640 all adds up to Rs 5540 and with one subsidised cooking gas cylinder, the cost of running the kitchen would be just under Rs. 6000. By the way, this works out to Rs 40 per person per day.

But in urban areas a minimum sum would have to be added for accommodation, transport, electricity and water bills and essential clothing. No matter where the poverty line is drawn, the NSSO consumption expenditure statistics, which no one has disputed, point to a substantial increase in expenditure. In fact, experts have pointed out that since NSSO expenditure data captures less than 50 per cent of the national expenditure accounts, the fact is Indians, both rural and urban, are spending almost double of what the NSSO figures reveal.

Why is it that we in India find it hard to believe that poverty levels have fallen? It has almost become fashionable to go on emphasising that the poor are becoming poorer. The rich have certainly become much richer and the poor have not improved their lot similarly, but certainly it would be foolish to argue that the poor are worse off with each passing year. The very simple fact that

the average lifespan has increased by five years from 62 to 67 years since 1998 should be an indicator that we are eating better and have some access, however limited, to health services.

While it is true that most of us, especially those likely to read English language newspapers, cannot understand how a person can be expected to live on Rs 30 a day. But when that figure is multiplied by five taking a typical family size and then by 30 for the month and then again by 12 for the year,

the figure comes to Rs. 54,000 a year. By no means a princely sum. But India is a poor country and much of the celebrated middle class is also poor with an estimated four per cent of the population declaring an income above Rs. 3 lakhs a year, a sum barely sufficient to make ends meet in expensive cities where rent, typically, eats away 30 per cent of the income.

Should we then agree that 96 per cent Indians are poor? Will that make everyone happier?

Courtesy: Deccan Herald (10 August 2013)

The unaccounted costs of targeting

Martin Ravallion

A degree of targeting is useful in ensuring that policies are effective in reducing poverty. But we have to be careful how this is done.

With the right policies, India has a good chance of seeing accelerated poverty reduction in the coming decades. As I have previously argued, this will require that India does a better job in reaching the country's many poor people through its social policies. However, that does not necessarily mean that those policies need to be better "targeted" in the usual sense of concentrating benefits on the poor by avoiding leakage to the non-poor. One of the most common mistakes in social policymaking across the globe is to confuse better targeting with greater impact on poverty. They are not the same thing. Targeting can help, but it is not the objective.

Targeted policies typically impose costs on poor people, and policymakers do not always take proper account of those costs. One such cost is the loss of benefits, in kind or cash, when incomes rise from other sources, which determine the incentives faced by people in trying to do better economically. Think about what happens when we take targeting to the limit. This would entail a perfectly targeted set of transfers to poor families — meaning that the transfers bring everyone up to the desired minimum income. This would impose a 100 per cent marginal tax on recipients. There would probably be little or no point in taking on extra work to earn an extra Rs 500 (say) if your transfer receipts fall by Rs 500. Such high costs of targeting will undermine the incentives for poor people to escape poverty by their own means. This is unlikely to be the best we can do from the point of view of poverty reduction.

Consider, instead, the other extreme of no targeting — universal basic schooling or healthcare or, when talking about transfers in cash or kind, a "basic income scheme" in which everyone gets the same amount, whether poor or not. Uniform provision entails zero marginal cost in taking on extra work, or some other income source. The incentives for promotion from poverty are excellent.

Most social policies fall between these extremes in practice. Starting from a basic income scheme, it is likely that some degree of targeting will enhance the impact on poverty that can be obtained with given public resources. But we have to be careful about how this is done. Some of the ways we can achieve better targeting entail costs that are not always obvious, but matter greatly to poor people.

Consider, for example, the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). This is probably the most ambitious direct intervention against poverty that any developing country has ever tried. The scheme promises 100 days of work per year to all rural households whose adults are willing to do unskilled manual labour at the statutory minimum wage notified for the programme. Work is to be made available to anyone who asks for it within 15 days of completing an application to work, failing which the state government is liable to pay an unemployment allowance. Over 50 million households participate.

It is likely that a scheme such as MGNREGS will be better targeted to poor people than a basic income scheme. But that does not mean that MGNREGS will have greater impact on poverty. That depends on many other factors, including both benefits and costs to poor people from the scheme. MGNREGS can have huge benefits if it works well. It can provide much needed social insurance, as long as people can get help from the scheme when they need it. Alas, the extensive rationing found on MGNREGS (especially in some states) is not encouraging in this respect. Creating assets that benefit poor people can also be a big plus, though there have been concerns as to whether MGNREGS gives sufficient attention to such asset creation.

Workfare schemes such as MGNREGS illustrate well the point that even a well targeted scheme can be dominated by untargeted transfers when one takes account of all the costs involved, including the other income forgone by participants. There has been evidence of non-negligible dead-weight losses to participants in such schemes in India, so much so that a basic income scheme would have been more cost-effective in simply transferring money to poor people. (Puja Dutta, Rinku Murgai, Dominique Van De Walle and myself show this in our forthcoming book, *Rozgar Guarantee?*) Of course, MGNREGS tries to do more than simply transfer money to poor people. But how we assess the programme depends a lot on those other

benefits, and it would be fair to say that they are not as yet fully evident in MGNREGS. The scheme needs reform to achieve its potential.

Some degree of targeting will no doubt remain useful in assuring that social policies are effective in reducing poverty. But more universal provisioning in education, health and social protection deserves a closer look in India.

The cost to the budget, and how it is financed, is of course hugely important. But there appears to be scope for financing a decent level of basic income in India by cutting other spending, especially subsidies favouring the non-poor, as Pranab Bardhan and others have argued. The idea has spanned both rich and poor countries. The negative income tax advocated by Milton Friedman and others can be thought of as a basic income scheme financed by a progressive income tax.

This type of scheme would dominate many policies found in practice today. It would clearly yield a better incidence than subsidies on the consumption of goods that the rich consume more than the poor. And a basic income scheme could have broad political support, which would help assure its sustainability.

In terms of its impact on poverty, it may also dominate seemingly well targeted schemes, once all the costs to poor are taken into account. The writer, a former director of the World Bank's research department, holds the Edmond D. Villani Chair of Economics at Georgetown University, US

Courtesy: The Indian Express (20 August 2013)

CMS-INDIA CORRUPTION STUDY: 2013

Taking forward its **more than two decades** long campaign against corruption in public services, CMS using its experience and expertise in social research has focused on regions and sections of the society that desire specific attention. The recent round (2013) of the study (*popularly known as India Corruption Study*) to capture Peoples' Perception and Experience with Public Services, is its 9th round since 2000.

The uniqueness of CMS study is its 'PEE Model' which captures peoples' Perception (P) and Experience (E) with Public Services and further Estimates (E) the amount paid as bribe by common citizens of India to avail basic and essential public services. This method developed by CMS to capture the magnitude of corruption in public services has played an important role in bringing to the attention of policy makers and civil society groups, the quantum of corruption and need for action to curb corruption in public services. CMS study makes citizenry aware to raise voice against such fraudulent practices and to foster effective public service delivery by the service agencies.

This round of the study covers nine public services namely, Drinking Water, Electricity, Housing Public Distribution System (PDS), Public Health Care, Municipal Services, Police and Judiciary.

To be released by year-end, CMS report will be available on CMS website (www.cmsindia.org).

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