



TRANSPARENCY INTERNATIONAL INDIA

Quarterly

Editorial:

The absurdity of it all

One of the most powerful concepts of Albert Camus in *The Myth of Sisyphus* is the recognition of the 'absurd' as a 'confrontation between human need and the unreasonable silence of the world'. There is nothing absurd in the human existence and the world. But the origin of the word 'absurd' lies in the resistance to understanding that the world makes sense even though it may appear to defy it. Thus awareness of the absurd is a rational, cerebral activity, and prepares one to respond positively to it by neutralizing the unreasonable silence in the wake of human condition that leaves much to be desired. It is, therefore, not an act of nihilism, disengagement, or negation, but an important step to bring about change - an act of affirmation, hope, promise, and consciousness.

The commitment of Transparency International India (TI India) is something like that of a rebel, the second seminal idea of Camus, who is disturbed by the existing hiatus between the needs of under-privileged people and the unreasonable silence that permits implementers to denude the resources and permit only a trickle for the deserving. Is it not absurd to learn that malnourished children die @ 80 a day in Madhya Pradesh when the rodents feast on millions of tons and render the grains unusable? Is it not absurd that teachers take home their salary without visiting the school? Is it not absurd that health workers are conspicuous by their absence and children die at birth? Is it not absurd that food meant for the deserving finds

conduits into unknown pits that blow the bellies of intermediaries? Is it also not absurd that the conscience of those in power not kindled for serious action that is possible by diligence, oversight, scrutiny, and accountability?

The absurdity of all these is the starting point. The significance of the 'absurd' lies in accepting the reality with scorn, defiance, rejection, and disagreement. It lies in the need for clear thinking and cajoling the conscience for action to bring about a change. TI India shall endeavor to confront reality with the revolt of the conscientious, the objective being to bring about a harmony between what *is* and what *can be*. It shall make efforts to break the silence of the concerned, the awakened, the uninvolved, and the indifferent, who may demand reform of the situation. A rebellion is thus required against the absurd so as to find a transcendent meaning in life of an unauthentic person. As says Camus, 'Human solidarity is the fundamental link between absurd and the revolt'.

Integrity Pact

With a view to strengthening the implementation of Integrity Pact (IP), a national workshop was held in New Delhi on 23 January 2010. Shri Pratyush Sinha, Central Vigilance Commissioner, delivered the keynote address. Shri AK Anthony, the Minister of Defense, inaugurated the workshop. It was attended by Chief Managing Directors & CEOs of most of the undertakings that have signed MoUs for implementing IP, chiefs of Defense Undertakings, Independent External Monitors (IEMs), vendors, and representatives from private sector. Mr. Michael Wiehen and Marcella Rozo, observers from TI Secretariat, and Ms. Nancy Boswell, ED, TI – USA also attended it.

IP has been accepted as an important measure to check corruption in public contracting. As an instrument of transparency, it provides comfort to both the Principals and the Vendors, resulting in faster processing of contracts, and reduced law

Transparency International India

Lajpat Bhawan, Lajpat Nagar
New Delhi-110 024, India

Tel. (011) 2646-0826 / 2922-4519

Telefax : (011) 2646-0826

Editor : P. S. Bawa

E-mail: info@transparencyindia.org

Website: www.transparencyindia.org

suits and frivolous interventions. The workshop recommended a quarterly meet for the vendors, sharing of experiences among the IEMs, faster resolution of complaints, and a better access of vendors with the IEMs.

As a follow up of the workshop, a Roundtable Discussion was held on 17 February with a few PSUs to fine tune the IP in view of various suggestions flowing out of the deliberations.

Meanwhile NALCO has expressed interest in adopting Integrity Pact. ED visited Bhubneshwar to discuss detail.

Integrity Pact (IP) Cell

An IP Cell has been established on 6 Feb. to streamline implementation of the Pact by monitoring its various activities.

An obituary

Subir Raha, former Chairman and CMD of the ONGC, and an active member of the TI India passed away on 2 February. He was a daring pioneer who had volunteered to sign the Integrity Pact (IP) with TI India for the first time. After retirement, he played an active role in convincing the PSUs of the utility of the IP. His initiative was subsequently emulated by 38 PSUs as the experience of the ONGC was positive, besides the strength of his credibility. TI India shall miss his presence forever.

Publication

A book titled 'Education for Values, Character & Integrity for Students, Teachers & Parents' edited by Shri SD Sharma and Dr. Kalpana Prasad was published by TI India. It contains selections for a vast literature on issues of integrity that can be used by parents and teachers to orient the children to an ethical discipline. The object of the effort is to provide readymade material for the teachers. It would be extensively used to propagate the need for integrity and the role that can be played by the academic community in preparing the children in the long-run for an ethical living.

The book was released on 23 January by Shri AK Anthony, Union Minister of Defense, during the national workshop on Integrity Pact.

Project Pahal

Social Audits under Project Pahal were conducted at Koderma (18 Feb), Hazaribagh
April 2010

Chatra (19 Feb) & Ranchi (20 Feb) in Jharkhand, and Angul (22 Feb) in Orissa. The participation of civil society and the people was effective at all places. The interaction between people and officers resulted in better awareness, understanding and involvement. It had been an useful exercise.

Satyendra Dubey Murder Case

A special court in Patna on 27 March sentenced three criminals to life imprisonment for the murder of Satyendra Dubey, a whistleblower of the National Highway Authority of India. However, the alleged nexus between the corrupt mafia and the criminals could not be established, thus causing hurt to the community.

Lecture

Admiral R H Tahiliani and Shri P S Bawa participated in a seminar on "Good Governance" on 17 Feb. at the India Habitat Centre. They spoke on "Confronting Menace of Corruption".

Visit of TI's Chairperson from Berlin

While attending the World Economic Forum in Delhi, Ms. Huguette Labelle, Chairperson of Transparency International, had an interaction with members of TI India's Board of Management, located in Delhi, and others during the weekly meeting of the Executive Committee, on 2 February. She was informed of the various initiatives and projects of the Indian chapter, especially the IP, ALAC at Chennai, Development Pact, education in ethics, launch of Pahal in the states of Chhatisgarh, Orissa, and Jharkhand, security matrix in e-Procurement, etc.

She was consonance with the Indian projects and mentioned that India was being taken seriously at the World Economic Forum. She also highlighted the importance of education in ethics from the Kindergarten to post-doctoral stage.

Election to the BOM

The aborted election to the BOM during the AGM in December 2009 was ultimately held by postal ballot. The results were declared on 25 March. S/Shri Pankaj Agarwal, Gp. Capt. S C Bahri, P S Bawa, Lt. Col. (Retd.) K R Dharmadhikary, B R Lall, Justice (Retd.)

Kamleshwar Nath, A C Talwani, and BB Tandon were declared elected by Shri Prem Vallabh, the Returning Officer.

Meeting of BOM

The quarterly meeting of TI India's Board of Management was held on 27 March in New Delhi. A two-minute silence was observed as homage to the memory of Shri Subir Raha, member of BOM, who passed away in February.

The report of the Accreditation Committee had proposed the closure of the Gujarat Chapter as there was no activity and none had been taking any interest in furtherance of the cause of the T. I. movement. The recommendation of the Committee was accepted and the Gujarat Chapter deemed closed.

The Karnataka Chapter was re-accredited in view of its activities, even though it had not responded to the queries made by the Accreditation Committee. The Chapter would be advised to respond to TI India's letters.

By a written communication, Ms. Poonam Singh had informed that she had joined a political party. In view of this development, her TI India membership stands suspended.

Election of the Chairman

In deference to the wishes of Admiral RH Tahiliani, the Chairman, to step down as he had shouldered the responsibility since inception of the TI Chapter in India, even though he could continue till the AGM in December 2010, the members of the BOM elected Shri PS Bawa as the chairman to succeed Admiral Tahiliani on 27 March.

The new chairman eulogized the contributions made by the Admiral and requested him, with the consent of the members of the BOM, to continue supporting and guiding the movement as a Mentor.

Applications for Active Membership

All the TII members, who are desirous to become Active Member, are requested to send their Application on the prescribed form at the earliest but not-later than May 31, 2010. This Form can be downloaded from TI India's website www.transparencyindia.org or may be obtained from TI India's Delhi Office.

April 2010

TI's Asia-Pacific Regional Meeting

TI's 2010 Asia Pacific Regional Programme Meeting is scheduled to be held in India at Maneswar (Haryana) on May 4-6. It will bring together TI's representatives from more than 20 Asia-Pacific countries for an in-depth discussions and strategising on priority issues facing the region.

At this occasion, TI India is organising a panel discussion on "*Confronting the poverty and corruption nexus*" on 3rd May at India International Centre (Annexe), Conference Room No.1, New Delhi from 6.15 pm onwards. Bringing together leading regional experts from government, business and civil society, this event seeks to forge innovative and concrete solutions to corruption for overcoming poverty. As corruption is both a cause and consequence of poverty, new thinking is needed to align the two agendas and tackle them simultaneously.

Rajasthan Chapter

TI India Chairman Shri PS Bawa visited Jaipur for interaction with the members of the chapter on 30 March. Earlier in January, the Executive Director had met the members along with officials from Berlin who had come to participate in the national workshop on IP and representatives from the Indo-American Chamber of Commerce.

The Chairman apprised the members of the activities of TI India and the various initiatives they could take at the state level. The Director General, Anti-Corruption Bureau, Rajasthan, participated in the meeting. He was open to the activities of the Chapter and expressed positive support for projects on good governance. The Chairman of the chapter had agreed to formulate a program for action.

Book

The recently published book titled "Financial Terrorism: Black Money and Indian Elite" by Shri BR Lall, a Board Member of TII, examines threadbare the problems of black money and trillions of dollars of Indian money lying in Swiss banks and other tax havens. The author makes specific recommendations for containing the malaise of proliferation of black money in the country.

Supreme Court on travails of a complainant

Upholding the conviction of the accused, the Supreme Court referred to its decision in *State of U.P. v. Dr. G.K. Ghosh* (1984) 1 SCC 254 and observed that 'by and large a citizen is somewhat reluctant, rather than anxious, to complain to the Vigilance Department to have a trap arranged even if illegal gratification is demanded by a Government official. There are numerous reasons for the reluctance. In the first place, he has to make a number of visits to the office of the Vigilance Department and to wait for a number of officers. He has to provide his own currency notes for arranging a trap. He has to comply with several formalities and sign several statements. He has to accompany the officers and participants of the raiding party and play the main role. All the while he has to remain away from his job, work, or a vocation. He has to sacrifice his time and effort whilst doing so. Thereafter, he has to attend the court at the time of trial from day to day. He has to withstand the searching cross-examination by the defense counsel as if he himself is guilty of some fault. In the result, a citizen who has been harassed by a Government officer has to face all these hazards. And if the explanation offered by the accused is accepted by the court, he has to face the humiliation of being considered as a person who tried to falsely implicate a government servant, not to speak of facing the wrath of the government servants of the department concerned, in his future dealings with the department. No one would therefore be too keen or too anxious to face such an ordeal. Ordinarily, it is only when a citizen feels oppressed by a feeling of being wronged and finds the situation to be beyond endurance, that he adopts the course of approaching the Vigilance Department for laying a trap. His evidence cannot therefore be easily or lightly brushed aside.' *V.K. Kannan v. State (Tamil Nadu)*; 2009 AIR SCW 5805.

To receive the TI India's Quarterly e-News Letter,
please intimate your email ID at
info@transparencyindia.org

Supreme Court on sanction to prosecute

Sanction to prosecute a public servant is not required in case of an abetment of an offence of taking gratification punishable under Sec 12 of the Prevention of Corruption Act, as sec 19 (pertaining to necessity of previous sanction for prosecuting) specifically omits this section from its purview. *State through CBI v. Parmeshwaran Subramani & Another*; 2009 AIR SCW 7152.

NAMES OF TI INDIA'S DONORS

Name of Donor	Receipt No.	Rs.
A. Project Funding		
1. Mr. Paul Pandian 128, Halls Road, Kilpauk Chennai - 600010	564	2,00,000/-
2. Oil & Natural Gas Corpn. Ltd. 9th Floor, Jeewan Bharti Blg. Tower II, 124, Indira Chowk New Delhi - 110001	565	3,00,000/-
B. Non-Project Funding		
1. Mr. Era Sezhiyan 32-33, Tas Enclave AK Block, Anna Nagar Chennai - 600040	566	1,000/-
2. Dr. J. P. Singh Flat No. - 85, Kadambari Plot No. - 19, Sec IX, Rohini Delhi - 110085	567	250/-
3. Shri Jitendra Kohli 157, Munirka Enclave New Delhi - 110067	568	1,500/-

Request

We depend upon our well wishers to provide financial support of any amount. We value their contributions, which may be sent to Transparency International India, Qr. No-4, Lajpat Bhawan, Lajpat Nagar-IV, New Delhi-110 024, by cheque or draft alongwith your PAN Card Number. Such contributions are exempted from Income Tax under Section 80 G of the Income Tax Act.