



TRANSPARENCY INTERNATIONAL INDIA

Quarterly

EDITORIAL

Terms of Engagement

There is often an ambiguity on whether to engage and what for. The latter is more important. Once 'what for' is clear, commitment for engagement shall follow. In our context, 'what for' is an everyday acquaintance with hypocrisy of authority and injustice, not of system, but of those who have perpetuated status quo for personal ends. Their indifference is in public domain, be it public property that is vandalized or defalcated, refusal to bring about suitable changes in law and strengthening institutions, justice that is delayed and inadequate, arrogance of authority, complete indifference of powers to accept the desirable, or vacuity of public debate that makes participants to stick to their positions, even to the extent of justifying the illogical.

However, one cannot let it go. And hence there is a need for settling terms of engagement. One, evil has to be confronted and not compromised. This would require not only its identification, but also a probe into various nuances that leave one befuddled in identifying it. Two, one has to trumpet it loud and clear with a capacity to din it into ears of those in authority by removing their earplugs or crying so loud as to pierce through the pads. This would need the use of various instruments of seeking truth from authority and speaking truth back to it. Three, there is no hurry in getting frustrated without clutching the utopia of one's imagining. One has to be content with little gains. Albert

Camus says, 'Even by the greatest effort, man can only propose to diminish, arithmetically, the sufferings of the world'. Suffering shall remain, but must continue to cause outrage. Any decrement of it desirable, if it is avoidable.

What, then, is required of a conscientious individual? It is capacity to look into misery, a spirit of rebellion, and contentment at the results of his effort, however small and insignificant. The infinitesimal outcome must not discourage the individual, for it is drops of water that make for a current, then a stream, and sometimes a flood that engulfs all the dirt, detritus, and the undesirable.

'I rebel, so I exist'. It attests and affirms existence. It is the trait of an honorable life that raises voice against oppression, lethargy, waste, corruption, opacity in public life, neglect, and indifference. Even this is action and engagement. A rebel is one who recognizes limits and boundaries of his achievement and does not pretend to any righteous claims of divinity.

The show must go on.

Integrity Pact

IP programme is under revision with a view to refining the tool. Accordingly, a Focus Group Discussion was held at Chennai on 12th July. It was attended by senior management of Neyveli Lignite Corporation Limited, independent external monitors, and vendors who discussed many IP-related issues.

Another review meeting was held with Kudremukh Iron Ore Corporation Limited (KIOCL), on 29th September, at Bangaluru. This was attended by KIOCL Chairman, vendors, IEMs, and a representative from the Ministry of Steel. All expressed satisfaction with the IP's implementation. Shri Ashutosh, Director (IP), also visited SECL, BCCL, CCL

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and CMPDI to oversee their IP's implementation.

Complaints received from M/S Petcon and M/S Revathi were forwarded to the concerned IEMs for consideration and resolution.

Meanwhile, Meja Urja Power (a subsidiary of NTPC), NAILCO, NBCC, Orissa Power Generation Corporation Ltd., Mazagon Dock Limited (MDL), and Heavy Engineering Corporation Ltd., located in Ranchi, have shown interest in IP's adoption. The matter shall be pursued.

Program on Corporate Governance

TI India organised a panel discussion on "Role of Business Ethics and Integrity in Preventing Corruption" in association with American Chamber of Commerce (AMCHAM) in India on 9th September, at the IIC, Lodhi Road, New Delhi. Among others, it was attended by Shri Prityush Sinha, former CVC, Technical Examiner from CVC, IEMs, vigilance officers, corporate lawyers, representatives of American companies, and experts in corporate governance.

PAHAL: Shaasan Sudhaar Ki Ore

An integrated project to implement all the TI India activities in the state of Bihar has been planned with financial assistance from the Asia Foundation and IDRF. It will cover a range of activities like promoting tools of good governance, training and empowering rural communities; activities related to Development Pact like its signing with panchayat representatives; and advocacy for adoption of Integrity Pact in state government departments and their PSUs. Initially, this work will confine to three districts, namely, Madhubani, Purnea, and Darbhanga to empower rural people, as well as to pursue state level advocacy and promotion of tools of good governance in Patna. Accordingly, Shri Sanjay Kumar Sinha has been appointed as State Coordinator in Bihar.

The project titled 'Empowering Rural Citizens', funded by the Commonwealth Foundation, for training and dissemination activities in rural areas under Pahal at four
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centers in Orissa, Jharkhand, Chhattisgarh and Bihar is likely to start in November.

FK Project

The Fred Korpset South-South Exchange Debriefing and Orientation Program was attended Project Director by Vineeta Singh in Bangkok during 3-6th July. Meanwhile, two participants, Shifza Omar from TI-Maldives and Dilshan Weerasinghe from TI-Sri Lanka have joined TI India under the exchange program in July, for a period of ten months.

Anti-Corruption Information Service on Mobile Phones

TI India, in collaboration with Handygo Corporation, is starting a free mobile information service project in the four states covered by Pahal project. Hence, information on important issues like NREGS, PDS, RTI, grievance redressal, etc., could be accessed on a **toll-free number 556780**, even by illiterate in these rural areas.

Board of Management Meeting

TI India's Qr. Board of Management meeting was held on 25 September. Shri George Verghese, a member of TI India's Advisory Council, spoke to the Board Members, and participated in the proceedings.

Kerala Institute of Local Administration

Col. KR Dharmadhikary visited KILA, Thissur, to acquire the knowledge about the contents of their Certificate Course, including Total Quality Management in local governance aimed at capacity building of elected local government representatives and institutions. He also studied the functioning of the Cheruvannoor Nallalom Gram Panchayat in Calicut Distt. and Adaat Panchayat in Thissur Distt.

Lectures

Chairman addressed the IAS, IPS, and IFS officers on 'Probity in Public Life' at the Lal Bahadur Shastri National Institute of Administration, Mussoorie, on 26, August. The Academy has expressed interest in the syllabus on Ethics-in-Action. Further

discussions would soon be held with the Management.

Shri B R Lall addressed a course on Anti-Corruption in the National Police Academy, Hyderabad, on 21st September, 2010 on the subject "Anti-Corruption and Secret Funds abroad". The participants included officers from the IAS, IPS and IFS (Indian Forest Service).

National Anti-Corruption Strategy

The Central Vigilance Commission (CVC) has released a Draft National Anti-Corruption Strategy. It was prepared by Ms. Navita Srikant (Ernest & Young) - an active member of TI India and assisted, among others, by Ms. Anupama Jha, ED. TI India's comments have been sent to the Commission.

ACTIVITIES OF STATE CHAPTERS

Rajasthan Chapter

TI India addressed a letter to the Chief Minister of Rajasthan offering to assist in the effective formulation & implementation of Citizens' Charters, adoption of Integrity Pact, particularly in State PSUs, and to launch a Help Line for improving governance.

Shri I C Srivastava, Chairman Rajasthan Chapter, made a presentation on TI India's objectives, especially in relation to Integrity Pact, Citizens' Charters and proposed Helpline during the National Conference on Governance held at Hotel Clarks Amber, Jaipur. Articles on Citizens' Charters and RTI were published in local newspapers.

Orissa Chapter

Shri Biswajit Mohanty, an active member of the Orissa Chapter, was honored with All India RTI Award, instituted by RTI Forum, Lucknow.

Prof. Bimalendu Mohanty, Dr. DP Patnaik, Shri AB Tripathy, Shri Jagdish Kanungo, and Shri Abasar Behuria addressed meetings on anti-corruption and good governance.

Judiciary's Views on Corruption

The Supreme Court held that dismissal was the only suitable form of punishment for those 'involved in corruption, misappropriation of public money, even if the embezzled amount is meager'. (The Times of India; 2 June 2010)

The Supreme Court chastised the government for filing appeals in issues pertaining to Class IV employees. The Bench remarked 'Why do you come to us frequently against laborers, khalasis, and chaprasis? Do you have the guts to take on IAS/IPS officers? You keep filing petitions against Class IV employees but not against IAS/IPS officers. That is because you don't have the guts'. (The Times of India; 4 June 2010)

The Bombay High Court has recommended to the government to amend the Prevention of Corruption Act for providing maximum penalty of life imprisonment for criminal offences committed by public servants. The Court remarked that 'Offences by public servants of various types of banks/financial institutions holding public money or those holding key posts in important public organizations have increased in unimaginable proportions as there is hardly any deterrent punishment'. The Court also proposed that offences under Section 409 (criminal breach of trust by a public servant) be sent to court of sessions which has the power to award life imprisonment and not to the court of magistrate who cannot award prison term for more than three years. (The Times of India; 14 May 2010)

In a conviction under the Prevention of Corruption Act, the High Court accepted the appeal on the ground that the District Magistrate granting sanction to prosecute had not applied his mind and that he was not examined as a witness. The Supreme Court remanded the case back to the High Court with the instructions to decide the case on merits in view of the provision of Section 19 of the Act stating that 'the High Court has not made a finding which shows that a serious failure of justice has been caused to the respondent'. The Court also held that 'The sanction order was clearly passed in discharge

of routine official functions and hence there is a presumption that the same was done in a bona fide manner'. (State of MP v. Jiyalal; AIR 2010 SC 1451)

CVC on Corruption

According to Shri Pratyush Sinha, who retired as Central Vigilance Commissioner (CVC) in September, almost one-third of Indians were "utterly corrupt" and half were on the "borderline". He said that worst part of his "thankless job" was observing how corruption had increased as people became more materialistic. Shri Sinha told the Mint newspaper in an interview that 20 per cent Indians were "honest, regardless of the temptations, because this is how they are. They have a conscience."

Babus admit to corruption

According to a survey, carried out by the Centre for Good Governance, Hyderabad, in collaboration with ACNielsen ORG-MARG at the behest of Ministry of Personnel about the revenue services, many of the notions of bureaucrats about the civil services were shattered, forcing almost one-third of them to think about resigning from their respective services at some point of time in their career.

Of the 4,808 officers (from IAS, IFS, IPS, IRS and six other top central services), 80% agreed that the "political corruption takes place because there are always some civil servants willing to collaborate in it". A majority of respondent felt that corrupt officers got (i) away without being punished; and (ii) the most sought after postings. Harassment of honest officials through baseless complaints and investigations also turned out to be a major issue. A trend was pointed out where some of the successful candidates even preferred to join Indian Revenue Service (IRS) without, perhaps, understanding their job profiles.

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