



TRANSPARENCY INTERNATIONAL INDIA

Quarterly

Editorial:

Niti, nyaya, and neeyat

Amartya Sen, in his latest book, titled “*The Idea of Justice*”, has distinguished between two concepts of justice. These are *niti* (a set of laws, rules, regulations, and institutions) and *nyaya* (justice, the end product). Though both are complementary, yet there is a conflict between the two. The distinction helps in appreciating the lag in the ultimate outcomes. *Niti* is the means, and *nyaya* (justice) is the end. Whereas *niti* is good in India, *nyaya* is missing. India has some of the finest laws, rules of procedure, institutions (both judicial and quasi judicial), the entitlements to the people are far from obtainable. Thus there is a hiatus between the two concepts of justice. *Niti* can satisfy outputs; but it is *nyaya* that is concerned with outcomes.

The emphasis by Sen is on the outcomes. The issue to be explored is the reason why there is a discrepancy between *niti* (procedures) and the end product of *nyaya* (real aspect of justice). The missing link between the two is *neeyat* (intention, attention, effort). If the intention of those who are required to implement *niti* is not appropriate, the outcome is not likely to be just. The element of *neeyat* propels the law to be used as desired by the operator. The rules and regulations that establish entitlements are used to defer the rights or submerge these in the whirlwind of process. It may appear paradoxical that rules meant for amelioration of the condition are used to deny the opportunity.

TI India is concerned both with the *niti* and the *nyaya*, but it is equally conscious of the *neeyat*

that disturbs the balance between the two. Hence the three fold pursuits of TI India that seeks to improve *niti* by removal of legal hurdles like notification of rules under the Benami Transaction (Prohibition) Act, timely sanction to prosecute the corrupt officials, reforms in electoral laws, etc., and its strengthening by legislating the Lokpal Bill, confiscation of property of corrupt public officials, etc. It also strives to ensure entitlements of people to education, health care, old-age benefits, and employment under the NREGA. Its project *Pahal* of carrying the message of empowerment to grass-roots people in the states of Orissa, Bihar, and Jharkhand is testimony to its concern for *nyaya*.

It is as well concerned with the aspect of *neeyat* and hence undertakes to interact with public functionaries by seeking truth from the authority and speaking truth back to it, by means of educating the young, and by creating a discourse on integrity and against corruption.

Neeyat can be tackled by exhortation and, when it fails, by enforcement of *niti*. If the ultimate goal is *nyaya*, the other two shall fall in tune with it.

Integrity Pact

With a view to strengthening implementation of Integrity Pact, TI India is organizing a National Workshop in New Delhi on 23rd January 2010.

During the quarter, TI-I signed a MoU with the Power Grid Corporation of India Limited (24th December) for adoption of Integrity Pact. It brings the total PSUs to 39.

Conference on Development Pact

A Focus Group Discussion on the Development Pact was held on 29th October. It was attended by elected representatives from various political parties and civil society.

TI India organised a conference on “Delivering on Promises: Increasing public trust in the

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integrity of political leaders and the administration” on 8th December at New Delhi. The representatives from politics, government, and the civil society participated in the deliberations. It was generally acknowledged that the Pact could play a role in seeking entitlements by the people who are stakeholders from the elected representatives of people who make promises at the time of election, and the executive that is expected to implement various schemes and deliver. However, the contours are required to be specified. A fine-tuning of the Pact is possible in case it is implemented as a pilot project in the area where elections are expected shortly.

Interactions

- An interview of Dr. S. K Agarwal on corruption was published in Dainik Jagran on Nov. 12, 2009.
- Meeting with Concern Worldwide on Project PAHAL at Delhi on 18 Nov. 2009.
- Anupama Jha appeared on NDTV on 20 Nov. on Corruption in Politics.
- Col Dharmadhikary delivered a Key Note Address in the 5th National Seminar on RTI on Nov. 21-22, 2009 in Lucknow. Besides, he is engaged in reviving one-window Information & Facilitation Centres, public hearings at Commissioner’s level, Corruption Eradication Committees in districts, and adoption of Integrity Pact in PSUs in Maharashtra.
- Interaction with Karnataka State Chapter and meeting with the Hunger Project on Development Pact on 25 Nov. 2009 at Bangalore.
- Meeting with Centre for Social Research at Delhi on 2 Dec. on ‘South Asia Experience Sharing Workshop on Women in Governance’.
- Ms. Anupama Jha attended the workshop on ‘Corruption and Good Governance’ organised by CUTS International at Jaipur on 17 Dec. 2009

Publications

An article on ‘Human Rights and Corruption: Using Discourse of Human rights to deal with Corruption’ by PS Bawa was published in The Indian Journal of Criminology & Criminalistics, in Vol. XXIX, No. 3, of the National Institute of

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Criminology & Forensic Science, New Delhi.

The TI-India’s First Annual Lecture on ‘Corruption & Development’ delivered by Lord Meghnad Desai on 16 January, 2009, has been published.

Board of Management and Annual Meetings

The Quarterly Meeting of the TI-I’s BoM held on December 12 in New Delhi. It was followed by the Annual General Body Meeting in the afternoon. However, annual elections to Board of Management could not be held due to interruption by certain members.

UNCAC Ratification

In spite of having conducted a Gap Analysis suggesting that most of the clauses of the United Nations Convention Against Corruption (UNCAC) stand complied with in view of the laws and institutions in India, the Government of India has not yet ratified the document. In view of the effectiveness of the instrument in eradicating corruption, TI India had been reminding the authorities for necessary action. In this connection, a press conference was conducted on November 4 at the Press Club of India, appealing the Government, once again, to ratify UNCAC in order to demonstrate its commitment to effectively fight corruption.

Out of the 140 countries that have signed UNCAC in December 2005, 120 countries, including Pakistan and Bangladesh, have already ratified it.

Release of CPI - 2009

According to Transparency International’s Corruption Perception Index (CPI) 2009, released on November 17, India’s Integrity Score stands at 3.4, an indication that the country continued to be perceived as highly corrupt by experts and business surveys. India was ranked 84 out of 180 countries. With the exception of Bhutan, which has a score of 5.0, India continues to score highest among all the South Asian countries.

Nearly half out of 180 countries have scored three or even lower points; a clear indication that corruption is perceived to be rampant. Haiti, Iraq, Myanmar and Somalia have recorded the lowest score of less than 1.5. Transparency Int’l has found that a strong correlation between

corruption and poverty continues to exist, jeopardizing the global fight against poverty and threatening to derail the UN Millennium Development Goals.

Debate on Anti corruption Day

The Balwantray Mehta Vidya Bhawan ASMA, Greater Kailash Part II, in association with TII, organized sixth Annual Inter-school debate competition on the theme of that “Corruption has become a way of life in India” on December 9. This bilingual debate was participated by 36 students of 18 schools. About 500 students attended this Anti-corruption Day.

Project Pahal

The project ‘Pahal’, designed to raise awareness among the BPL families, especially in the tribal areas of Orissa and Jharkhand, with special regard to the Right to Information Act and availability of other tools for seeking entitlements, was launched in April 2009. Over a period of time, positive indications of its impact are available.

Success Stories in *Pahal: Shaasan Sudhaar Ki Ore*

Pahal, the grassroots intervention of TI-I, was launched in October in Jharkhand and Orissa. There were many encouraging instances, where people in the poorest and remotest villages used tools like RTI and social audits to access their rights and entitlements and nudged and exposed corrupt departments.

1. Mid-Day Meal Scheme: In one such effort, the TI-I Jharkhand team surveying 15 govt. schools in Chouparan block of Hazaribagh found that 13 schools were not serving meals under the MDMS for the last fortnight. Taking note of these findings highlighted in the media, the Home Minister, Shri P. Chidambaram, visiting Ranchi on 23rd of Oct., sought a report from the State HR Dept about functioning of the scheme. As a result, the government machinery has not only ensured mid-day meal, but also introduced a system of monitoring by randomly picking up schools to ensure implementation.

2. NREG Scheme: Similarly, **NREG Scheme** work sites were opened in seven locations of Jharkhand in *Pahal* areas after the TI-I team filed applications on behalf of 469 job card holders. In the rest of Jharkhand, NREGS

implementation is suspended using the excuse of ongoing Jharkhand assembly elections.

3. Public Distribution System: According to a TI-I survey estimate, the Fair Price Shops (FPSs) in Khurda villages used to sell the supplies worth at least Rs.50,000/month meant for the BPL families in the black market. Due to filing of RTI applications on entitlements under PDS and the mass pressure built on FPS dealers by TI-I volunteers and villagers, FPSs have started distributing the full entitlements of essential commodities.

4. Angul Farmers Say No to Bribe: Filing of more than 40 RTI applications on various issues by Pahal Angul team has resulted in RTI revolution and mass support for demanding transparency and accountability from local government departments. In an important success, an RTI query on Orissa vermiculture subsidy scheme resulted in returning of money taken as bribe. From the reply provided, it came out that there is no extra fee for sanctioning the subsidy of Rs.8,000 under the scheme, while officials took Rs.1,000 as ‘processing charges’(!). Armed with this information, about 20 farmers who paid Rs.1000, took hold of the concerned officials and got the money returned immediately.

Activities of State Chapters

ORISSA

Due to the efforts of Dr D P Pattanayak, RTI has been included in the curriculum of the Institute of Human Rights Education (Orissa).

This Chapter organized a seminar on “Promoting People-centered Good Governance in the State of Orissa” on International Anti-corruption Day on Dec. 9.

TAMIL NADU CHAPTER

Its Help Line receives about 1000 complaints/petitions from public. These relate to basic services such as birth certificate, death certificate, legal heir certificate, patta, water supply, drainage, electricity, public distribution system, vehicular licenses, police, etc. The petitioners, who have long pending issues with the Government, are being assisted in redressal of their complaints.

TII-TN has conducted a number of RTI Training Programs targeting various groups. Its

team, with like-minded NGOs, met the Tamil Nadu's Secretary of Personnel & Adm. Reforms (P&AR) Deptt to sort out : (i) issues pertaining to pending non-implementation of the penalty provisions under RTI 2005; (ii) under-staffing of the State Information Commission; and (iii) delay in replying to RTI petitions. The P&AR Secretary said that the Chief Secretary had issued necessary instructions to all the concerned Secretaries to update their website to widen the awareness regarding Section 4 of RTI Act 2005.

TII-TN Chapter also organized a meeting on Tamil Nadu's E-Governance Project on 31st October 2009. It was chaired by Dr. M. Anandkrishnan. Director of e-Governance Dr. Santhosh Babu elaborated on the State-wide network, SWAN, which provides Voice, Video and Data connectivity for improving the delivery. He informed that websites of various departments are putting out a lot of information to facilitate the service seekers, and the government was planning to facilitate online transactions.

UP (CENTRAL & EASTERN):

On invitation of Indian Railway Institute of Traffic Management, Lucknow, Shri U. S. Pandey delivered a talk on 6th November to a group of Group A Probationary Officers on the theme **Ethics in Life and Mangement**. He also spoke about activities of T.I. and TI-I The talk was arranged as part of Vigilance Week Prgramme."

UTTARANCHAL

NDTV-RTI Citizen Award

A member of TI-I Uttaranchal, Dr A S Rawat, has been given the NDTV-RTI Citizen Award for using the RTI Act to expose the wrong practices being carried out in various govt. deptts., particularly concerning environment. Dr Rawat has been a leading activist in the cause of preserving forests, lakes, other water bodies, and the environment in general.

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NAMES OF TI INDIA'S DONORS

Name of Donor	Receipt No.	Rs.
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2. Concer Worldwide A-7, Ashok Nagar, Bhubaneshwar- 757009 (Orissa)	554	6,74,958/-
B. Non-Project Funding		
1. Dr. T. N. Kaul 249, Nilgiri Apartments Alaknanda, New Delhi - 19	553	1,000/-
2. Dr. R. Ramkumar Director, Thyroid Centre 60, Sami (P) St., Chintadripet Chennai - 02	556	3,000/-
3. Dr. Sudhir Kumar Vill. +PO. Bari, Sitapur, UP	557	300/-
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5. Shri G P Govil C- 105, East of Kailash, N. D.	559	200/-
6. Atlas Copco (India) Ltd. Trinity Plaza, Westwing, 84/1A Tapsya Road (south), Kolkata - 46	560	25,000/-
7. Shri Garib Das Bodha Muhal Gulal Sagar, Charkhari Mahoba (UP) - 210421	561	1,000/-
8. Lt. Cdr. Bhagwan Malkani 75, Mayfair Apartments Mayfair Gardens, N. D.	562	1,000/-
9. M/s Hydraulic & EngineeringInstruments A-13, Naraina Vihar, Industrial Area, Ph. II, N D -28	563	10,000/-

Request

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