



## Editorial

# TRANSPARENCY INTERNATIONAL INDIA

## Quarterly

### Silence Is Sinister

The fight against corruption assumes relevance when one imagines the abysmal conditions of deprivation in which the poor live. Any reasonable human being shall feel the plight of the dispossessed and share in their anger, at the same time considering himself unable to do anything to set things right. It is this feeling for the poor, the exploited, and the downtrodden that triggers off anguish of those who look with disdain at the national extravagance, the vulgar salaries of the CEOs, besides the bonus shares, expense account, and other incentives, and the experience of luxury that distinguishes India of the elite from the Bharat of the poor. Not to be left behind is the middle class that is self-serving with increments of pay/pension linked to price index, the Pay Commission that nurtures the already nurtured, whose contribution in terms of implementation of schemes for the poor is nothing to be proud of when 40 percent of the NREGA funds are siphoned off in key districts of Uttar Pradesh and Madhya Pradesh, as reported recently.

The leakages in public funds are annoying; more annoying is the lackadaisical attitude of the authorities that assumes silent mode by not taking cognizance of these infractions, inequalities, and irregularities. The inaction is highly disturbing. This takes the form of anger against the state, its public officials, and its institutions. The policies of the government are generous, whereas the implementation is parsimonious. Why can't those whom the government pays two thousand rupees a day, much more than a poor family makes in a

month, be made accountable for the success of the schemes? The situation is alarming. The silence has to be broken. The unrest of the dispossessed, 'the greatest internal security threat', shall continue till the governance is reined in to deal with the corrupt, the extravagant, the irresponsible, the laggards, and the insensitive, both in public office and politics.

### Commendable RTI performance by a common citizen

Bashir Ahmed Ganai, a daily wage earner at Gurwaith (near Budgam in the state of Jammu & Kashmir) met the DC Budgam to file a petition under the RTI Act seeking information from the Irrigation Department and alleging use of sub-standard construction material (cement sand mixture) by contractors for construction of an irrigation canal at Zain Khansahib. The Deputy Commissioner immediately instructed the Chief Engineer to stop the work. Next day, the concerned contractors offered Bashir Rs. one Lakh, of which fifty thousand were offered to his wife. Instead of accepting the offer, Bashir informed the concerned authorities. As a result, contractors were black listed and the canal work re-started as per specifications. Bashir had also filed three RTI applications with BDO of Khansahib Bolck regarding allotment of houses to poor under Indira Awaas Yojana. The initiative of Bashir and Deputy Commissioner are commendable.

### Integrity Pact

Rashtriya Ispat Nigam Ltd. (RINL), Vishakhapatnam, organized a seminar on the implementation of the Integrity Pact (IP) on August 12. Seven PSUs were represented. Presentations were made on the effects and problems faced in IP's implementation. The participants expressed general satisfaction with the IP. They highlighted the following aspects-

- improved transparency in transactions
- enhanced image and reputation as an ethical organization

#### 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](mailto:info@transparencyindia.org)

Website: [www.transparencyindia.org](http://www.transparencyindia.org)

- speeding up of the tender and procurement process
- reduction in external interference
- cessation of frivolous law suits and reduction of complaints from vendors
- improved vendor satisfaction
- better confidence of bidders in tendering process
- minimization of delay due to quicker resolution of complaints, etc.

The seminar was attended by CVC Shri Pratyush Sinha, Dr S K Agarwal from TI India and Shri Alias George, Jt Secretary in the Ministry of Steel.

In the meantime, Mumbai Rail Vikas Corporation Ltd. held discussion for adoption of Integrity Pact

Admiral (Retd.) R H Tahiliani visited Kudremukh Iron Ore Company Ltd., Bangalore, on 29 & 30 September, to participate the annual review of IP's implementation.

### **e-Tendering**

Anticipating likelihood of emerging problems and lacuna in e-Procurement and e-Tendering, a proposal, based on the expertise of Shri Jitinder Kohli, an active member, has been made to the CVC to ensure that the guidelines include a Matrix to cater to transparency, functionality and security in the procurement process so that the information is not captured by anyone for manipulation. The tool of IP is in the process of being refined.

### **Workshop on Development Pact**

TI India, in cooperation with the Jal Bhagirathi Foundation, organised a Workshop on September 8 at Jodhpur (Rajasthan) for creating transparency and accountability in political and administrative institutions through Development Pacts as an anti-corruption tool with people to pressurize political representatives and administration to ensure integrity and performance. More than 150 participants, including MLAs, representatives from the Zilla Parishad, Panchayat Samiti and Gram Panchayat, the Administrative Service, Media, CSOs and Jal Sabhas shared their expectations and determined factors that would allow them to act against corruption and create trust in each other. The workshop looked at the water sector in particular, and the challenges

October 2009

in ensuring that the NREGA is implemented both in letter and spirit.

### **TV Appearances**

TI India participated in the following seminars and delivered lectures

Dr. S. K. Agarwal on NDTV on 12 July to discuss security coverage to the politicians

Anupama Jha appeared on (i) German Radio Network on 31<sup>st</sup> July (ii) Voice of America on 26<sup>th</sup> July (iii) Lok Sabha TV on 27<sup>th</sup> July on PM's remarks on corruption (iv) Doordarshan on 17<sup>th</sup> September on corruption (v) News X Channel on 29 September on Austerity Drive, and (vi) BBC News on 30 September on Corruption in India.

### **Meetings**

**Discussions were held with the following -**

- UNODC and Global Compact Society: 3 July
- Shri D S Mishra, CVO, AAI on Integrity Pact: 21 August
- Proposed workshop on Development Pact with (i) Nitin Chandra, Director NREGA: 24 August, (ii) Shri A N P Sinha, Secy, Panchayati Raj: 31 August, (iii) Shri C P Joshi, Member, Rural Development and Panchatiraj, Shri Arvind Kejriwal, and Vineet Narayan: 3 Sept, and (iv) Shri Mahmood Khan, R K K Turst: 29 Sept
- Nakul Bhardwaj Youth Politician of Delhi, on 14<sup>th</sup> September
- Shri Parshuram, Director, Centre for Environment & Food Security on 23<sup>rd</sup> Sept for NREGA monitoring.

### **Lectures**

Shri P S Bawa delivered a talk to the Rotarians at the Hyatt Hotel on 'Cancer of Corruption': 9 September. He also spoke on 'Constitution and Police' at the UP Police Academy, Moradabad, on 30 September.

### **Pahal - Project on Improving Governance**

As a follow up of the India corruption Study 2008, 25 volunteers have been trained in 20 gram panchayats from Bilaspur, Bastar, Korias, and Raigarh, in the state of Chhattisgarh. They have further trained 1289 villagers on the RTI Act. More than 70 RTI petitions were filed by the BPL families. RTI clinics have been established in Bilaspur information dissemination-cum-

community action centres in 5 gram panchayats.

TII - Chhattisgarh team participated in the social audit conducted in Mochh in Bilaspur (7 August), and Bastar district (18-25 August). The NREGA records were found to be fudged and instances of bribe taken from labourers came to light. It was also discovered that no allotment was made under the Indira Avas Yojna for the last two years. The matters were brought to the notice of district administration for rectification.

As a result of the training and awareness programs, villagers have become aware of tools of good governance and have started demanding services and entitlements from government officials and elected representatives through RTI applications instead of making verbal appeals.

Similar projects are being launched at Angul, Mayurbhanj & Jharsuguda districts of Orissa and Ranchi, Hazaribagh, Chatra & Koderma districts of Jharkhand in October, with the support of the Concern Worldwide India. It will be followed by training workshops.

### **Board of Management Meeting**

TI India's Board of Management meeting held on 26 September. It was attended by eleven members, two special invitees and ED. The Board, *inter alia*, decided to review the functioning of its State Chapters for the purpose of re-accreditation. It was also decided to ask all the Active Members about their TII-related activities and their future plans. The assessment would be made by a Committee.

### **Release of Global Corruption Report 2009**

TI-Berlin released its GCR 2009 on Corruption and the Private Sector (GCR) on September 23. The study deals with supply side of corruption. In the context of the global economic meltdown, it has highlighted that lack of transparency, insufficient regulatory watch, and conflict of interest can prove not only stumbling blocks to growth, but also wreck the economic systems. According to it, 'Firms from Brazil, China, and India are regarded by their peers as among the most corrupt when doing business abroad'. Being the world's largest markets, they are active players in global business, but they routinely engaged in bribery. It shows how corrupt practices constitute a destructive force that

October 2009

undermines fair competition, stifles economic growth, and ultimately undercuts a business's own existence. The cost extends to low staff morale and a loss of trust among customers as well as prospective business partners.

Corporate integrity is more about sustainable earnings or returns on investment. When reckless companies engage in corruption, the consequences can be devastating. From water shortages, exploitative work conditions or illegal logging to unsafe medicines and poorly or illegally constructed buildings that collapse with deadly consequences, corruption can bring about unprecedented harm. Hence the GCR recommends that (1) business must counter corruption to foster economic sustainability by establishing and implementing 'national and international normative frameworks against corruption'. (2) The companies must integrate anti-corruption measures as a means of protecting their reputation. (3) The civil society has a role in designing appropriate strategies to fight corruption in corporate sector. The report broadly proposes a model wherein business, government, civil society, and stakeholders must collaborate in the task.

### **Applications for Active Membership**

In compliance with the award of arbitrators, all members who are interested in becoming TII's Active Member are requested to send their application at the earliest, preferably well before 30 November, 2009, indicating (1) activities they have been engaged with, and (2) issues of interest and proposed activities they would intend pursuing the TII's vision and mission for fighting corruption and for good governance.

### **Annual General Body Meeting**

TI India's AGM is scheduled to be held on December 12, at 3.00 PM at the BRMV Bhawan, (Opposite W-120) Greater Kailash Pt. II, New Delhi-48. Though individual letters along with the agenda and minutes of the last meetings have already been sent separately, all TI India members are requested to attend the meeting

### **Western UP Chapter:**

Mrs. Poonam Singh was involved in the monitoring of the NREGA project in Bulandshahar district. She attended the open panchayat of two villages, i.e., Mukimpur and Jatpura on 15 July and found that upper caste

was not interested in daily wage schemes. Only the members of the SC and STs were availing these programs. Secondly, she found great irregularity in allotting houses to poor people.

### Orissa

During the Quarter, the Chapter organized two workshops-cum-training programmes on August 5 and September 20.

Further, two meetings were held on 19<sup>th</sup> July to discuss various programmes & activities, including the project "PAHAL – Shasan Sudhar Ki Ore" to be implemented in the four districts of Orissa.

### Uttar Pradesh (Central & Eastern):

A conference on the implementation of RTI was organized by a forum of several prominent NGOs like PUCL, Citizen Forum for RTI, and TI UP chapter at Lucknow on 9-10 September. It was attended by the State Information Commissioner, retired judges, police & civil officers, journalists and prominent social activists like Magsaysay Awardee Dr. Sandeep Pandey, Justice Kamleshwar Nath and Shri U S Pandey of U.P. State Chapter. Aruna Roy was the Chief Guest. The participants mentioned their experiences in getting the Act implemented and also feedback received from other parts of the country. They discussed various issues like difficulties being faced in getting response from PIOs, Appellate Authority and State Information Commissions, supply of incomplete information, harassment to applicants, discourteous conduct of officials, besides deficiencies in the Act itself. Recommendations relating to duties of information commissioners, their selection procedure, the centralization of the bench, imposing of penalties on defaulting PIOs, Appellate Authorities, etc. have been made.

### Delhi Administration

The Administrative Reforms Department of the National Capital Territory of Delhi issued extracts of the India Corruption Study 2008 to all the departments of the government for

**To receive the TI India's Quarterly e-News Letter, please intimate your email ID at [info@transparencyindia.org](mailto:info@transparencyindia.org)**

'necessary action in improving public service delivery' in respect of the areas concerning their respective departments.

### Supreme Court decision

In a case, an accused Excise Inspector who had demanded bribe from the complainant for which part payment was made immediately. The balance of payment was made during the trap. Since the recovery of the balance amount was during the trap was proved beyond reasonable doubt, the Supreme Court did not acquit him on the ground that demand and acceptance of entire bribe amount was not proved (*State of A.P. v. M. Radha Krishna Murthy*; 2009 AIR SCW 2116).

### NAMES OF TI INDIA'S DONORS

Name of Donor	Receipt No.	Rs.
<b>A. Project Funding</b>		
1. Rashtriya Ispat . Nigam Ltd. Vishakhapatnam - 530031 (Andhra Pradesh)	546	1,00,000/-
2. TCIL TCIL Bhawan, Greater Kailash - I New Delhi- 110048	551	50,000/-
<b>B. Non-Project Funding</b>		
1. Dr. S.C. Singhal, Uma Nivas, 7 Chitnavis Nagar, Byramji Town, Nagpur,	547	2,000/-
2. Shri P.R. Pillai 60 Shriniketan Apartments, 24 Vasundhara Enclave, Delhi - 110 096	548	1,000/-
3. Shri Amarnath Khanna B-32/S-I, Dilshad Garden, Delhi - 110 095	549	1,000/-
4. Lt. Gen. Sushil Kumar C-30, Defence Colony, New Delhi -110 024	550	1,000/-

### 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.