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CORRUPTION

Babus admit to corruption within ranks

NEW DELHI: Does political [corruption](#) in India take place because there are always some civil servants who are willing to collaborate in it? Or, is the lure of post-retirement assignments a major reason for spinelessness of the senior civil servants?

The affirmative answer to these questions has come from none other than [bureaucrats](#) themselves. Recently, they made these facts and many others -- usually, a subject of whisper in corridors of power -- known in as many words while participating in a first ever government-sponsored 'perception' [survey](#) of civil servants.

Of the 4,808 officers (from IAS, IFS, IPS, [IRS](#) and six other top central services), an overwhelming 80% of them agreed that the "political corruption takes place because there are always some civil servants willing to collaborate in it". Since their identities were kept confidential, the respondents were candid about a number of issues.

The survey report says: "A majority of respondent felt that corrupt officers get away without being punished. It was also felt that corrupt officers are able to get the most sought after postings. Harassment of honest officials through baseless complaints and investigations also turns out to be major issue in several services."

The survey -- conducted referring to 11 major thematic areas ranging from work environment, transfers, postings, integrity to harassment and discrimination -- has found that many of the notions of bureaucrats about the civil services shattered, forcing almost an one-third of them to think about resigning from their respective services at some point of time.in

their.

Pointing out to a trend where some of the successful candidates even prefer to join [Indian Revenue Service](#) (IRS) without, perhaps, understanding their job profiles, the report says: "A few officers have also expressed the view that probationers leaving other central services and joining revenue services or preferring revenue services over even the coveted [IAS](#) clearly betrays their intentions".

The survey -- carried out by the [Centre for Good Governance, Hyderabad](#), in conjunction with ACNielsen ORG-MARG at the behest of ministry of personnel -- has come out with some interesting findings about the revenue services.

It has found that in case of services dealing with revenue collection, it is reportedly a common practice to "derail an honest assessing officer by making anonymous complaint against him".

While commenting on the plight of honest officers, few respondents said that enquiry on baseless allegations itself is a punishment; it does not matter if he or she is exonerated in the end.

"It has been pointed out that lure of post retirement assignments is a major reason for spinelessness of the senior civil servants," says the report.

Political interference in civil services has been widely cited as a major reason for the poor performance of the services. Though the survey did not cover this issue explicitly, influence of political considerations in various aspects of administration was brought out through the comments offered by a number of civil servants across the services.

Incidentally, a majority of such comments came from respondents belonging to the IAS, [IPS](#) and [Indian Forest Service](#) (IFoS).

"While respondents from the IPS expressed concern over political interference in investigations, respondents from the IFoS cited instances of being pressured by local politicians to do things not conducive to the scientific management of forests", it says.

The findings have come out with a different facet of discrimination within the bureaucracy as well. Officers remarked that discrimination is rampant based on caste, religion, region and service. Some women officers stated that there definitely is a 'glass ceiling' and female officers are denied good service postings.

"Women officers are posted in development sector and not given postings in departments that deal with infrastructure, power or other such sectors," it claims.

The issue of perceived disparity between officers belonging to the IAS and other services is considered as a major cause for inter-service rivalry and demoralisation of non-IAS officers. "Most non-IAS respondents consider it unfair to perpetuate the entry-level advantage of IAS officers for the entire duration of the service spanning two to three decades," the report adds.

Most non-IAS respondents resented the hegemony of the IAS in all the senior positions in government, which gave them the authority to undertake cadre management and planning of all services.

E-GOVERNANCE

E-governance has brought in transparency

Express News Service

Pune : With e-governance system, the district administration has brought in transparency and efficiency in their operations, said State Revenue Minister Narayan Rane during his visit to the district collector's office on Saturday.

“Administrative officers should reach out to the masses. The government-run schemes will become effective only if we reduce illiteracy, poverty and hunger in the state. And this in turn will increase per capita income of such classes,” said Rane.

On the functioning of his ministry, Rane said, “Revenue Ministry is like the government's sensory organ and the bureaucrats in this ministry, its think tank. An efficient functioning of the ministry, wherein the officials identify the requirement areas and address the issues on time effectively, is important to make the government convincing. The bureaucrats and leaders are two sides of the same coin and need to strike a perfect balance between responsibility and authenticity. Studying core issues and addressing them from the roots with right schemes is the key.”

District collector Chandrakant Dalvi made a presentation on performance of various departments. Rane also interacted with all 13 tehsildars via video conferencing. Dilip band, divisional commissioner, Shailesh Sharma, R K Gaikwad, upper district collector and senior officers of district administration were also present.

ENVIRONMENT

HINDU 16.8.10 ENVIRONMENT

Is weather chaos linked to warming? Probably

Justin Gillis

Most researchers trained in climate analysis offer evidence to show that weather extremes are getting worse.

— PHOTO: AP



It will be a while before scientists publish definitive analyses of the Russian heatwave and the Pakistani floods, which might shed light on the role of climate change.

The floods battered New England, then Nashville, then Arkansas, then Oklahoma, and were followed by a deluge in Pakistan that has upended the lives of 20 million people.

The summer's heat waves baked the eastern United States, parts of Africa and eastern Asia, and above all Russia, which lost millions of acres of wheat and thousands of lives in a drought worse than any other in the historical record.

Seemingly disconnected, these far-flung disasters are reviving the

question of whether global warming is causing more weather extremes.

The collective answer of the scientific community can be boiled down to a single word: probably.

“The climate is changing,” said Jay Lawrimore, chief of climate analysis at the National Climatic Data Center in Asheville, N.C. “Extreme events are occurring with greater frequency, and in many cases with greater intensity.”

He described excessive heat, in particular, as “consistent with our understanding of how the climate responds to increasing greenhouse gases.”

Bigger, more intense

Theory suggests that a world warming up because of those gases will feature heavier rainstorms in summer, bigger snowstorms in winter, more intense droughts in at least some places and more record breaking heat waves. Scientists and government reports say the statistical evidence shows that much of this is starting to happen.

But the averages do not necessarily make it easier to link specific weather events, like a given flood or hurricane or heat wave, to climate change. Most climate scientists are reluctant to go that far, noting that weather was characterised by remarkable variability long before humans began burning fossil fuels and releasing greenhouse gases into the atmosphere.

“If you ask me as a person, do I think the Russian heat wave has to do with climate change, the answer is yes,” said Gavin Schmidt, a climate researcher with NASA in New York. “If you ask me as a scientist whether I have proved it, the answer is no – at least not yet.”

Thermometer measurements show that the earth has warmed by about

1.4° Fahrenheit since the Industrial Revolution, when humans began pumping enormous amounts of carbon dioxide, a heat-trapping greenhouse gas, into the atmosphere.

For this January through July, average temperatures were the warmest on record, the National Oceanic and Atmospheric Administration reported recently.

The warming has moved in fits and starts, and the cumulative increase may sound modest. But it is an average over the entire planet, representing an immense amount of added heat, and is only the beginning of a trend that most experts believe will worsen substantially.

If the earth were not warming, random variations in the weather should cause about the same number of record breaking high temperatures and record breaking low temperatures over a given period.

But climatologists have long theorised that in a warming world, the added heat would cause more record highs and fewer record lows.

The statistics suggest that is exactly what is happening.

In the United States these days, about two record highs are being set for every record low, tell-tale evidence that amid all the random variation of weather, the trend is toward a warmer climate.

Climate-change sceptics dispute such statistical arguments, contending that climatologists do not know enough about long-range patterns to draw definitive links between global warming and weather extremes. They cite events like the heat and drought of the 1930s as evidence that extreme weather is nothing new. Those were indeed dire heat waves, contributing to the Dust Bowl, which dislocated millions of Americans and changed the population structure of the United States.

But most researchers trained in climate analysis, while acknowledging

that weather data in parts of the world are not as good as they would like, offer evidence to show that weather extremes are getting worse.

2008 report

A United States government report published in 2008 noted that “in recent decades, most of North America has been experiencing more unusually hot days and nights, fewer unusually cold days and nights, and fewer frost days. Heavy downpours have become more frequent and intense.” The statistics suggest that the Eastern United States may be getting wetter as the arid West dries out further. Places that depend on the runoff from spring snow melt appear particularly vulnerable to climate change, because higher temperatures are making the snow melt earlier, leaving the ground parched by midsummer. That can worsen any drought that develops.

“Global warming, ironically, can actually increase the amount of snow you get,” said Kevin Trenberth, head of climate analysis at the National Center for Atmospheric Research in Boulder, Colo. “But it also means the snow season is shorter.” It will be a year or two before climate scientists publish definitive analyses of the Russian heatwave and the Pakistani floods, which might shed light on the role of climate change, if any. Some scientists suspect that they were caused or worsened by an unusual kink in the jet stream, the high altitude flow of air that helps determine weather patterns, though that itself might be linked to climate change. Certain recent weather events were so extreme that a few scientists are shedding their traditional reluctance to ascribe specific disasters to global warming.

After a heat wave in Europe in 2003 that killed an estimated 50,000 people, the worst such catastrophe for that region in the historical record, scientists published detailed analyses suggesting that it would not have been as severe in a climate uninfluenced by greenhouse gases. And Trenberth has published work suggesting that Hurricane

Katrina dumped at least somewhat more rain on the Gulf Coast because the storm was intensified by global warming. “It's not the right question to ask if this storm or that storm is due to global warming, or is it natural variability,” Trenberth said. “Nowadays, there's always an element of both.” (John Collins Rudolf contributed reporting.)

— © *New York Times News Service*

JUDICIARY

Welcome judicial activism

Soli J. Sorabjee

A shameful blot on our criminal justice system is the phenomenon of undertrials rotting in jails for periods longer than the maximum punishment imposable upon conviction. One of the reasons is the inordinate delays in the trial inter alia because of lack of adequate trained Public Prosecutors (PPs). In this context, the anguished observations of a Bench of the Delhi High Court, comprising Chief Justice Dipak Misra and Justice Manmohan, were most timely. The Court suggested that in every magistrate's court there should be one PP and wondered how one prosecutor could handle more than three courts and satisfactorily manage cases. The Bench noted that lack of adequate number of trained PPs is a main contributory factor for the problem of undertrials. The judges rightly observed that a country governed by the rule of law cannot tolerate the pathetic situation about lack of PPs in courts. The Bench asked the principal secretary (home) and the law secretary of Delhi government to visit and inspect the working conditions of PPs in various courts of the city. If this be judicial activism, it is most welcome because it enforces the right of under-trials to a speedy trial guaranteed by Article 21 of the Constitution.

UK Supreme Court

The House of Lords has been replaced by the UK Supreme Court which is now the highest court of appeal in the United Kingdom. It was established by the Constitutional Reform Act 2005. The Court is housed

in a building opposite the Big Ben. The atmosphere in Court is genial, not forbidding. The court rooms are spacious and brightly lit. There is pin drop silence in the Court. Counsel respectfully answer occasional polite queries from the Bench without loud interruptions from counsel on the other side. The day I visited the Court it delivered an important judgment in which by a majority of 6 to 3 it ruled that the Human Rights Act 1998 did not apply to British armed forces on foreign soil, viz. Iraq. A noteworthy feature is that a concise press summary outlining the facts of the case, the legal issues involved and the reasons for the judgment is issued at the same time by the registry with the approval of the Court to “assist in understanding the Court’s decision”. Judgments of the Court are available on the same day. Adoption of this practice in our Supreme Court is worth consideration.

Obsession with attire

Iran’s Ministry of Culture and Islamic guidance has prescribed certain hairstyles for men as permissible models to promote Islamic culture and to confront Western cultural invasion. The French Parliament has banned the wearing of full length burqa in public to preserve French republican values and secularism. Our Union Tourism Minister Kumari Selja wants to prescribe a code inter alia to tell foreign tourists what to wear and how to wear and not to indulge in “any activity that might disturb the social fabric of the country”, professedly for safe and honourable tourism. The code will be a field day for subjectivity. Would jeans be permissible whereas skirts depending on their length be taboo? Besides to make the code binding on owners of hotels, guest houses, lodges, motels and other service providers apart from causing enforcement problems has a Taliban flavour about it.

Octopus as a pet

The World Cup football tournament in which the Oracle Octopus Paul made correct predictions about the outcome has led to pet shops in Delhi being flooded with requests for octopus as a pet. There may be many reasons for this. One may be that it is fashionable to have an exotic pet like the Octopus. Another reason may be the anxiety of business magnates to know about the outcome of their proposed projects. Will they make millions or collapse? Astrologers will face severe competition from octopuses. Many lawyers would also like to adopt on a trial and error basis an octopus for its accurate prediction about the fate of SLPs in the Supreme Court, a task in which astrologers have failed thanks to our unpredictable independent judiciary.

MANAGEMENT

BUSINESS LINE 16.8.10 MANAGEMENT

Why HR is no one's favourite

C. Gopinath

At a recent corporate training workshop for a multinational, it surprised me to see that the least popular organisational activity amongst those present was the human resources (HR) department. Every time HR was mentioned during various sessions, it was sure to evoke some sniggering and rolling of the eyes. Wonder why the HR director in the Dilbert cartoon strip is always a devilish looking red cat!

Of course, it is important to understand the context in which the derogatory remarks were being made. The organisation was adjusting to a major merger and had been losing money the last few years. It was in turnaround mode with all the attendant uncertainties. The mood of the mid-level managers in the room was edgy. They were not clear about the organisation's strategy and were even more concerned about their personal careers. Even so, the attitude towards HR in this case was not unlike what I have come across in more successful organisations. HR managers often end up being defensive, justifying, or apologising for, actions. Why? There are four main reasons.

CONFUSION OVER ROLE

Gap between expectations and delivery: When organisations moved from a straightforward 'Personnel Department' to the 'Human Resources' moniker, it reset expectations of what the department would accomplish. Personnel departments managed personnel issues quite simply; dealing with recruitment, maintaining records, managing benefits, and so on. They probably said 'no' to the employees more often than they said 'yes'! When they were given the charge of managing the

'human resources' of the organisation, it sent a signal to all employees that the organisation truly regarded its people as resources, not just those who performed jobs for which they were paid miserly.

Expectations went up about how the employee would be treated. Unfortunately, many HR departments do not have the time, skill, or authority to deliver on all that the employees expect from them.

The net result is that when there is some issue regarding personnel, the HR department is expected to be fully aware and do something about it. When this does not happen, you can be sure where the finger is pointed.

Lack of clarity on its role: HR departments do not clarify on what that they are responsible for and what they are not. Take the important issue of employee motivation. This is not something that the HR can do alone. It takes all line managers to participate in executing policies on employee motivation, or morale building.

Say, when an employee needs special consideration due to a personal issue, the line manager thinks it is something that HR should handle because he as 'has enough on his hands and cannot be bothered by this'. But if the employees' concerns are not properly handled, it does not remain a one-employee problem, but reveals the lack of process in the organisation, which could be the start of a cancer that can become a morale issue for the organisation.

The HR department needs to be constantly coaching the line managers on how to deal with the employees and be available as a resource or a facilitator. It certainly does not help for the the HR department and line managers to play football with the employee's concerns. The organisation must make it clear to all how HR's role is defined and the part that everyone else plays in helping HR execute its role.

COMMUNICATION DEFICIT

Poor communication of its activities: At a time when newsletters had to be printed, there was a minimum size of the organisation that justified having a newsletter. That number has dropped significantly with the convenience of digital production and distribution.

Yet, only a few enlightened organisations have taken advantage of it to truly communicate. In the multinational programme I referred to earlier, few participants had actually reflected on the enormous investment the organisation was making in them — conducting training programmes, and allowing them time away from work to participate. There were many such activities and opportunities that HR had on the anvil that few knew about. Keeping an open line of communication with all employees is an important job of HR, yet few think about it. HR needs to do an internal sales job.

The standard organisational newsletter, even where it exists, becomes an internal PR effort for top management to present its image of the organisation. It does not provide relevant information from an HR point of view. HR ends up having little space in a corporate communications programme and this only gives more fodder for sceptical employees to snigger.

NEW WORKING PATTERNS

A big challenge many organisations face today is how to deal with the changing nature of work. Travel versus video/audio conferences, outsourcing activities requiring new forms of monitoring and control, employees who work in client offices or from home, and so on.

These not only require new systems and rules on how human resources are managed, but also a change in the mindset of managers. How does a line manager prevent her tone from conveying a suspicion that she thinks the employee working from home and reporting to her is not doing his 'full eight hours' work'?

Setting clear work targets and expectations can only partly alleviate what the tone conveys. How do you make your remote employees feel connected to the organisation? Do you deal empathetically with their problems or concerns that they send by email, even though they are not sitting across the table? It was illustrative for me to hear from one participant in the workshop that he went into the nearby branch of his organisation once a week (although nobody there is in his group) just for human contact and to 'know what is happening'.

HR rising to these challenges can truly make a difference to the organisation.

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POLITICS AND GOVERNMENT

People put first

Press Trust Of India

Independence Day observations are usually marked by nostalgia and patriotism-invoking noble thoughts. Mahatma Gandhi's desire to "wipe every tear from every eye", Jawaharlal Nehru's "tryst with destiny", Sardar Patel's claim that "no one would die of starvation in independent India", Maulana Abul Kalam Azad's exhortations for Hindu-Muslim unity as the basis for humanity's future and Nehru's invocation of the ancient palimpsest in his *Discovery of India* to describe India as the churning crucible of human civilisation have all found their usual place. Though there are references to B.R. Ambedkar, what's missing is the warning he gave when he presented the draft of our Constitution. I shall return to this subsequently. However, with more than six decades down the line, the need to introspect on how far we have reached the aspirations that fed our freedom struggle cannot be escaped. Prime Minister Manmohan Singh, addressing the nation from the Red Fort this Independence Day, concluded by saying: "The day when our dreams will come true is not far off."

Does this reflect the reality? Our modern republic is founded on secular democracy, federalism, social justice and economic self-reliance. Where do we stand today on each one of these foundational pillars?

It is impossible to cover all aspects. Let's take the salient ones. Our agricultural sector is still predominantly dependent on the vagaries of the monsoon. The last two decades saw public investment in agriculture dropping to an abysmal less than 2 per cent of the GDP annually. The agrarian crisis continues to intensify with distress suicides by our farmers not abating. The huge stock of foodgrain in central government

godowns does not reflect excessive production. It tells the story of the bulk of our people not having enough money to buy this foodgrain.

It is, indeed, a matter of shame for our country that the Supreme Court had to repeatedly urge the Centre to distribute foodgrains that are rotting in the open free to the people. It has been shown that in 2008-09, the per capita availability of food for direct consumption had dropped to around 136 kg per annum. Way back in 1989, this figure stood at 193 kg. Are we moving in the direction of self-reliance as Sardar Patel envisioned?

Even after six decades, the condition of the SC/STs (despite the continuation of reservations) has not improved to the desired levels. The quotas are never fulfilled with respect to government jobs, reaching only 17 as against 22.5 per cent. More than two-thirds of SC and three-fourths of ST children drop out of school before they reach Class 10. Their levels of poverty are nearly double than the rest.

One can go on in this vein, but the moot question is: are we, as a nation, incapable of doing any better? Of course not. One illustration would suffice. The developed world is very apprehensive of the fact that India today produces more skilled manpower annually than all the countries of the European Union put together. This is happening only when less than 10 per cent of our eligible youth are able to reach the portals of higher education. If we are able to raise this to even 30 per cent, then India, truly, will rise to lead the global knowledge society. This is our potential. What we need are policies that will make us realise this potential.

On the contrary, though we have legislated the Right to Education, the required financial resources to ensure this right is lacking. It has been estimated that in order to realise this right, R170,000 crore would be required over the next five years. While the central government raises the spectre of resource crunch, it unhesitatingly doles out tax concessions to corporates and the rich. These admitted concessions in the budget papers of the last two years is much more than what would

have been necessary for realising universal education and, thus, allowing India to realise its potential. Likewise, the reforms proposed for higher education will only encourage further privatisation and commercialisation, making education more of a privilege than a right.

The need for a radical shift in the policy direction reflects the continued battle between the three visions that emerged during the course of our freedom struggle. The Congress envisioned a secular democratic republic. The Left goes beyond this to convert the political independence of our country into the economic independence of our people, i.e. socialism. Completely antagonistic is the third vision that seeks to define the character of India on the basis of the religious denomination of its people. This found a twin expression with the RSS advocating a Hindu Rashtra and the Muslim League having, unfortunately, succeeded in the partition of the country to establish an Islamic republic. Clearly, if India has to realise its potential, then in this ideological battle — the vision that economically empowers our people — has to establish its dominance.

The continuing Maoist violence and the unfortunate developments in Kashmir reinforce Ambedkar's warning. "On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics, we will be recognising the principle of one man-one vote and one vote-one value. In our social and economic life, we shall by reason of our social and economic structure continue to deny the principle of one man-one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril."

*Sitaram Yechury is CPI(M) Politburo member and Rajya Sabha MP.
The views expressed by the author are personal*

RIGHT TO INFORMATION

RTI under attack

V. Eshwar Anand

EVEN though the Right to Information Act guarantees citizens their right to know and expose corruption in government offices, increasing attacks on RTI activists have put this most important right in jeopardy. The RTI Act was enacted after a long struggle by civil rights organisations. However, those who dare question the ways of the powers that be and expose them are eliminated in cold-blooded murders.



The manner in which Amit Jethwa was shot dead by unidentified men in point blank range near the Gujarat High Court in Ahmedabad on July 20, 2010, is shocking. His fault? He fought against the illegal mining lobby in the Gir forest. After Amit had filed a public interest litigation (PIL) against the mafia, it is said that the authorities had started taking action against it. His murder is thus considered a big loss to the RTI movement.

Amit formed a nature club for youth in Gir. In 2008, he had brought to the authorities' attention the mysterious death of lions after which an inter-state poaching gang was caught from Madhya Pradesh. The gang had reportedly killed nearly 25 Asiatic lions in the Gir sanctuary.

Unfortunately, Amit is one of the eight RTI activists killed this year alone.

The RTI is a facet of and underlies all fundamental rights whether it be equality, liberty or any of the seven freedoms guaranteed to citizens under the Constitution as also the social, economic and political justice referred to in the Preamble to the Constitution. For, if enforced properly, the Act can act as a check against the misuse of power by those who are constitutionally bound to ensure the realisation of these rights.

Its importance can be gauged by the fact that when labourers at Rajasthan's famine relief sites demanded minimum wages on public works, they were refused the same on the ground that according to the concerned engineer's measurement book, "they did not work". Worse, the authorities refused to even allow the labourers to see the book saying that it was prohibited under the Official Secrets Act!

It was at this juncture that Aruna Roy's Mazdoor Kisan Shakti Sangathan spearheaded the movement for RTI and organised public rallies in which outsiders were also invited. This resulted in timely payment of wages and action against several government employees for embezzlement of funds.

Subsequently, organisations like the Commonwealth Human Rights Initiative, the National Campaign on the People's Right to Information, the Association for Democratic Reforms, academics, lawyers and legislators campaigned for a legislation to allow access to information from the government and its officers. RTI laws were enacted by Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Assam (2002), Madhya Pradesh (2003), and Jammu and Kashmir (2004). As for the Centre, it made a feeble attempt in the form of the Freedom of Information Act, 2002. However, while it drew flak for too many exemptions, it never came into effective force.

After sustained public pressure, Parliament finally enacted the RTI Act in 2005. Despite its initial successes, the legislation has come under severe attack as its activists are facing a big threat from the powerful mafia with political clout and vested interests.

The question of protection of whistleblowers caught the nation's attention when Satyendra Dubey, engineer and project director of the National Highways Authority of India, was killed in Gaya, Bihar, in 2003. He had to pay a very heavy price for having complained to the then Prime Minister Atal Bihari Vajpayee about corruption in the construction works of the prestigious project.

Surprisingly, though Dubey appealed to the Prime Minister to keep his name confidential, his letter, in a typical case of bureaucratic callousness, was forwarded to various departments concerned. In April 2004, the Supreme Court directed the government to issue an office order, the Public Interest Disclosures and Protection of Informers' Resolution, 2004, designating the Central Vigilance Commissioner (CVC) as the nodal agency to handle complaints on corruption.

However, the murder of Manjunath Shanmugham, an IIM graduate and Indian Oil Corporation sales manager, for having exposed the mafia's role in petrol adulteration shook the nation's conscience and brought renewed focus on the need for a law on protecting the whistleblowers.

The Union Cabinet's clearance of the Public Interest Disclosure (Protection of Informers) Bill, 2010, on August 9 is a forward step. This will become an Act after its passage by Parliament and the Presidential assent.

The Act, after due enactment, will put the onus on the CVC to protect the identity of citizens (by extension, RTI activists and whistleblowers) who provide information about the misuse of public money and authority. The CVC will have the powers of a civil court, including the authority to summon anybody, order police investigation and protect the

whistleblowers. Significantly, the Bill empowers the CVC to take action against those who reveal the identity or even threaten whistleblowers. The CVC will be able to take action against anyone who makes frivolous complaints.

At the same time, there is a strong case for making the legislation more broadbased. The nexus between corrupt politicians and bureaucrats is well known. Why not include politicians as well in the Bill? As for the CVC's power to issue summons, the law must ensure that the police does not create hurdles.

Moreover, keeping in view the global experience, especially in the US (with special reference to the Sarbans-Oxley Bill in 2002 that extended protection to insiders who expose corporate fraud), the new Bill should provide access to suitable legal help. As most whistleblowers are witnesses themselves, a proper witness protection programme will go a long way in making the new legislation realistic and meaningful.

The Bill is well intended. However, given the government's poor track record, it is doubtful to what extent it would help protect the whistleblowers. Consequently, its success will depend upon the establishment of a credible mechanism in the CVC for fair investigation of complaints and ensuring complete anonymity of the whistleblowers against any retaliatory action.

Those who laid down their lives this year

n Satish Shetty, Talegaon near Pune, Maharashtra, was killed for his campaign against the land mafia in certain corrupt deals in the Mumbai-Pune expressway. (January 13)

n Visharam Laxman Dodiya, a Surat-based shopkeeper following his refusal to withdraw an RTI application seeking information on illegal electricity connections in Surat city. (February 11)

n Shashidhar Mishra, Begusarai, Bihar for exposing corruption at the panchayat and block levels. (February 14)

n Arun Sawant, Badalpur, Thane, Maharashtra for filing an RTI application with the Badlapur Municipal Council. (February 26)

n Sola Ranga Rao, Sitaram village, Krishna district, Andhra Pradesh, for his complaint to the District Collector on the funding of the village's drainage system. (April 11)

n Vitthal Gite, Beed, Maharashtra for exposing irregularities in a Beed village school. (April 21)

n Dattatray Patil, Kolhapur, Maharashtra. He had unearthed a corruption racket which resulted in the removal of the area's DSP, a senior police inspector and officials of the Ichalkaranji Corporation. (May 22)

n Amit Jethwa, Ahmedabad, Gujarat for his campaign against the illegal mining lobby in the Gir forest area. (July 20)

The proposed law: A new hope?

n The new legislation will put in place a system to handle complaints against government functionaries by persons who wish to remain anonymous.

n It empowers any person to make a complaint of corruption or disclosure against any employee of the Central or state government or public sector undertaking to the Central Vigilance Commissioner (CVC).

n The CVC, the nodal authority, which is to be designated as the competent authority for complaints, will have the powers of a civil court, including powers to summon anybody, order police investigation and provide security to the whistleblower.

n The CVC will not reveal the complainant's identity but will have the

authority to ignore complaints of vexatious or frivolous nature.

n The CVC cannot investigate complaints pertaining to matters which are sub judice, prejudicial to the security of the defence establishments, international relations, proceedings of the Union Cabinet or those beyond the limitation period of five years.

Its bark & its bite

Rajan Kashyap

THE Right to Information Act 2005 has captured the fancy of Indian citizens. Unique demands for information have begun to emanate, some of these from unexpected quarters. The first off the block were some civil servants. Being themselves the custodians of official record, they deluged public authorities with requests for “inside” information that helped them in their own service disputes.

Members of the fourth estate followed closely. The media realised that certain items of knowledge, hitherto concealed from public view, could be procured at a cost of just Rs 10. This material could build reputations of investigative journalists, and in many cases promote sensationalism and worse. Businessmen too found that they could legitimately pry into official decisions affecting them commercially.

Armed with potent knowledge political leaders could now take potshots at rivals for errors of omission and commission. Prisoners now seek to question the reasons for solitary confinement, and also seek details about the personal wealth of jailors who might have oppressed them during their incarceration. The functioning of such hallowed institutions as the Public Service Commissions, the universities, and even the High Courts and the Supreme Court are now under the scanner.

Has the RTI Act achieved its lofty objective? Official machinery has begun to respond, albeit under duress to demands for information. The three organs of the state — the executive, the legislature, and the judiciary — are defined in the Act as competent authorities. All three are

liable to supply information, subject to certain exemptions listed in RTI Act.

On paper, RTI confers on the common man the status of master. According to Section 8 of the Act, “the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.” Properly understood the power available with every Indian citizen to secure information is in a way greater than that enjoyed by his MLA or MP.

The Act mandates a time limit of 30 days during which any request under the RTI Act is to be served. Indeed, where life and liberty are involved, information has to be supplied (by police, etc.) within 48 hours of the filing of request. No such time limit exists in respect of answers to questions in the legislative assembly or Parliament. Studies show, however, that the majority of requests received under the RTI Act are for items of interest to individuals, and not for public causes.

Sadly, the authorities are seldom questioned about such crucial public issues as utilisation of funds, timely completion of projects, the problems of slums and encroachments in towns, or environmental degradation in rural areas. Here is empowerment gone waste.

All notes recorded in government files, indicating decision making at various levels, are open to disclosure. For honest and upright civil servants, RTI can be a shield to resist arbitrary or biased decisions, which eventually must become public. Few officers are seen to use this inherent power. Most prefer the easier path of no confrontation. Similarly, under an RTI umbrella, public-spirited political leaders are free to take conscientious decisions fearlessly. And yet we have the spectacle of clean politicians succumbing to populist and other pressures.

The RTI Act expects all officials to use information technology to place all important information regarding its working on its official website. In

practice, this is found to be impossible since records are in disarray. Furthermore, most Public Information Officers are untrained. Timid in handling RTI applications, they lack knowledge about their own work. With many officials RTI is feared rather than hated.

Ideally, the click of a button should bring every item demanded to information seekers. But the country is far from achieving efficiency in basic record management. Information is knowledge, and knowledge itself is power. For good governance, the power of this watchdog's bite has to match its resonant bark.

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