



## **MISSION**

- Building linkages with like-minded institutions and stakeholders so as to influence public policies and programmes.
- Drawing on relevant research in the public domain to highlight good practices in governance, suggesting both remedial measures and corrective action.
- Funding and supporting independent research on public policy issues.
- Disseminating information and knowledge with the citizenry on issues of good governance.
- Engaging and mobilising public opinion to introduce sector-specific reforms in policy planning and implementation of public programmes.
- Supporting advocacy for sustained action on systemic reforms.

## MESSAGE FROM THE GOVERNING COUNCIL

The Foundation's journey in 2011 has been eventful with a mixed package of accomplishments and unrealised hopes. It is important for us not to lose sight of our engagement with the critical issue of systemic reforms. With anti-corruption campaigns dominating the public consciousness, the Foundation has firmly stood with the view that Parliament-led change is needed for long-term impact. We strongly believe in strengthening existing governmental mechanisms and institutions, while encouraging a regime of transparency, accountability and efficiency in functioning.

Although it may be difficult for us to draw a simple causal relationship between the progress achieved as an outcome of our research and advocacy efforts and those which are a consequence of the cumulative effects of other interventions undertaken by the government and civil society actors, we believe that we have been at the cutting-edge of reforms directed at 'good governance'.

By working on issues like purging the political system of criminals through our PIL before the Hon'ble Supreme Court; advocating for the citizens' right to quality and timely public services; using the Right to Information to highlight gaps in the government's commitment in curbing black money and benami transactions as well as in implementing the recommendations of the Second Administrative Reforms Commission and Commission for the Review of Administrative Laws; ensuring transparency in public procurement; enforcing legal provisions for asset declarations of public functionaries and forfeiting their ill-gotten wealth; highlighting the performance of State-level Lokayuktas and so on, the Foundation has sought to follow-up on government commitments and promised deliverables with a view to informing the general public of the correct position.

In 2012, we intend to continue our research-based advocacy work, leveraging the support of other civil society stakeholders as well as reaching out to legislators, the media and key opinion makers. We wish to capitalise and build consensus on the initiatives undertaken this year so as to make a better impact in the realm of good governance.

We look forward to your continued support and encouragement in all our future endeavours.

**Chairman:**

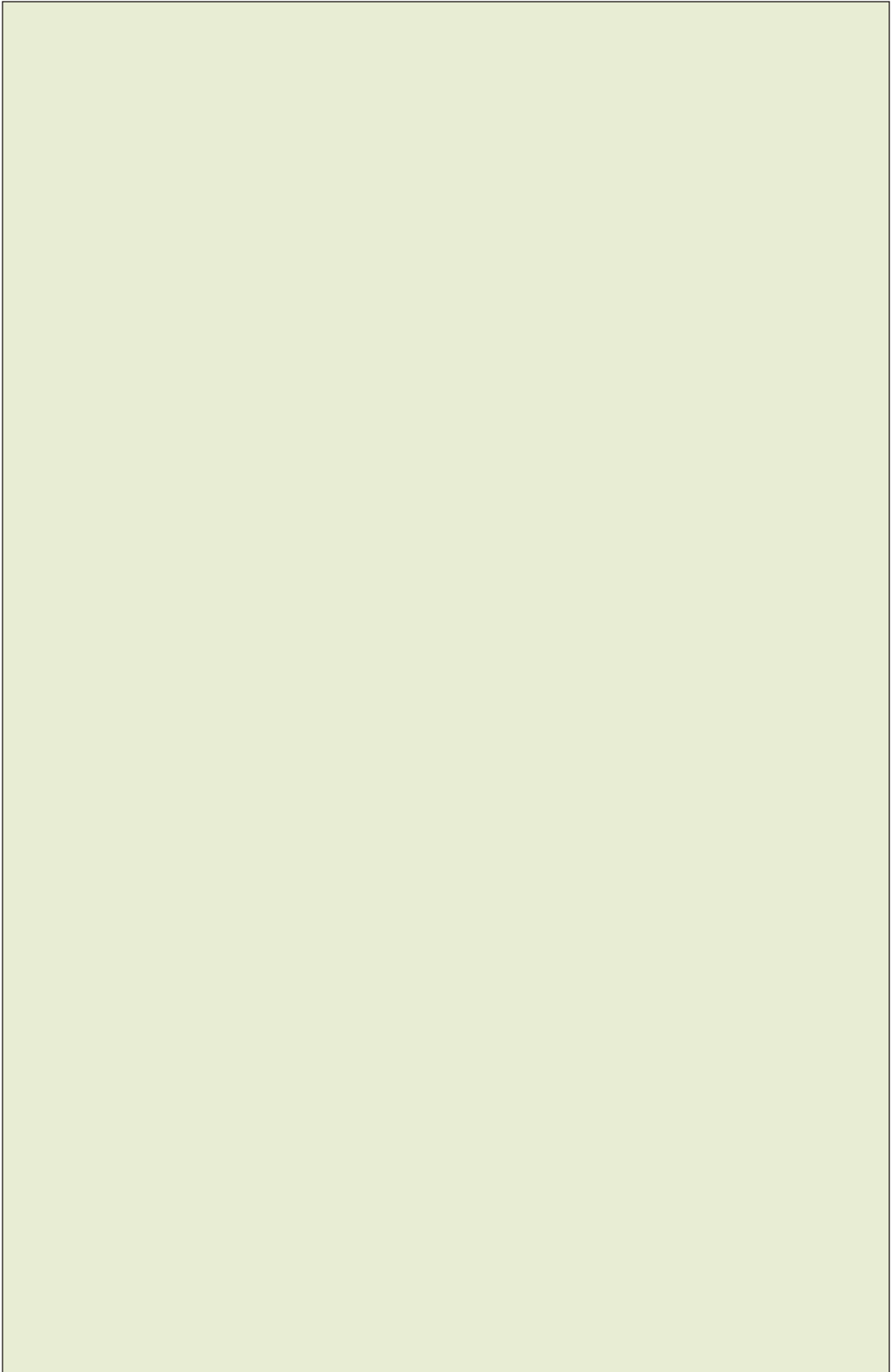
Mr. Naresh Chandra (ex-Cabinet Secretary to Government of India)

**Members:**

Dr. Bimal Jalan (ex-Governor Reserve Bank of India) ; Mr. Boobli George Verghese (Senior Journalist and Author); Mr. Harshvardhan Neotia (Industrialist and Director, Air India); Ms. Shailaja Chandra (former Chief Secretary of National Capital Territory of Delhi); Mr. Suresh Neotia (Philanthropist and Industrialist); Dr. Tarun Das (Mentor, Confederation of Indian Industries)

**Advisor:**

Mr. Anil Kumar (former Secretary to Government of India)



## ONGOING ACTIVITIES AT THE FOUNDATION

### (i) PIL on Decriminalisation of Politics before the Hon'ble Supreme Court

The alarming criminalisation of politics has been universally acknowledged across party lines. In the XVth Lok Sabh, 162 Members of Parliament (MPs) have been elected with criminal records pending against them. Out of these, 73 MPs were found to have serious charges against them.

The Foundation has in collaboration with other civil society organisations filed a Public Interest Litigation in the Hon'ble Supreme Court on December 21, 2011. The PIL which includes Common Cause, Transparency International and Gandhian Satyagraha Brigade as co-petitioners has been prepared by eminent Supreme Court lawyer Mr. Dinesh Dwivedi. The Hon'ble Supreme Court has directed for the issuance of notice to the Union of India and the Election Commission.

The prayer of the PIL presently under consideration of the Hon'ble Supreme Court is:

- a) Lay down appropriate guidelines/framework to ensure that those charged with serious criminal offences are unable to enter the political arena by contesting elections
- b) Lay down a time-frame of six months during which trial of such persons are concluded in a time-bound manner
- c) Direct the Central Government to implement the directions passed by this Hon'ble Court in Dinesh Trivedi, M.P. and Ors. V. Union of India (UOI) and Ors., (1997) 4 SCC 306 in letter and spirit
- d) Direct the Government to consider the feasibility of enacting legislation to deal with the menace of criminalisation of politics and debar those charged with serious offences from contesting elections of any sort
- e) Declare the provisions of Section 8 (4) of the Representation of People Act as *ultra vires* of Article 14 of the Constitution of India

## **(ii) Electoral Reforms**

There is a broad national consensus that, while electoral reforms are a politically contentious issue, it forms the bedrock of systemic change towards good governance. At the core of the issue are four major concerns - the growing criminalisation of politics; the rising costs of elections ; the role of black money; and the lack of internal democracy among political parties.

All of these have been the subject of extensive study by various government appointed committees with many of the recommendations accepted in principle. The Foundation too has analysed the various government proposals and has developed a background paper on the subject.

The main focus of the Foundation's work has been political party reforms since the success of electoral reforms is heavily predicated on the ability of political parties to be effective instruments of government.

The Foundation has filed a **RTI application** with the Election Commission inquiring into the subject of **political party reforms** on the following matters:

- a) The feasibility of a draft law governing the working of political parties including their registration/deregistration
- b) Status of action taken and compliance by national-level political parties on the Institute of Chartered Accountants of India's format for accounting and auditing of income and expenditure of political parties
- c) Timeline and plan of action, if any, adopted by the Election Commission on the issue of political party reforms

The Election Commission replied that with a view to carrying out comprehensive electoral reforms, a **Core Committee has been formed by the government** and a **series of regional consultations** have been held with various stakeholders to gather their views on the subject. On the basis of these inputs, **an all-party meeting will be convened shortly** so as to evolve a consensus on the matter. Further, in view of the complexity of the subject, **no rigid time-frame can be laid down** in this regard.

### **(iii) Political Parties Registration and Regulation of Affairs Act**

Political parties play a critical role in the functioning of the parliamentary democracy. But in India we do not have any legal position, which sanctions and institutionalises the structure, funding and functioning of political parties. It is with this view that the Foundation is focusing on political party reforms, mainly focusing on the need to institute a law governing inner-party democracy within political parties.

The Foundation acknowledges the draft **Political Parties (Registration and Regulation of Affairs, etc.) Bill, 2011** prepared by the Centre for Standards in Public Life under the guidance of **former Chief Justice of India Shri M.N. Venkatachaliah**. The Foundation is also seeking collaboration with the Association of Democratic Reforms and the Centre for Standards in Public Life to strengthen the demand for the same.

The Foundation has filed a **RTI application** with the Election Commission mainly seeking:

- a) Copies of the compliance report on the yearly submission of the Annual Audited Financial Statements of all registered political parties, as has been laid down in the Election Commission's Guidelines and Application Format for Registration of Political Parties
- b) Compliance report on the mandatory requirement of all political parties to submit an Annual Financial Report on all contributions above Rupees 20,000 under sub-section (1) Section 29C of the Representation of the People Act, 1951

Replies were received from the Election Commission revealing that that only **174 out of a total of 1196 registered political parties have filed the Annual Audited Financial Statements for the year 2010-2011** and that a mere **98 out of a total of 1196 registered political parties have filed the Annual Financial Report on all contributions above Rupees 20,000 for the year 2010-2011**

The Foundation proposes to pursue the disturbing trend of low levels of compliance by political parties to the Election Commission's guidelines and orders

#### **(iv) Administrative and Regulatory Reforms**

- A Commission on Review of Administrative Laws was set up by the Department of Administrative Reforms and Public Grievances (DoAR & PG) on 8 May 1998 with a view to identifying proposals for the amendment of existing laws, the regulations and procedures having an inter-sectoral impact and also for the repeal of all dysfunctional laws.

In its report submitted on 30<sup>th</sup> September, 1998, the Commission suggested the repeal of 1382 central laws of different categories out of about 2500 laws in force on the ground on account of them being redundant. In order to monitor and follow-up the action taken by various ministries and departments on the recommendations of the Commission, a Standing Committee was proposed to be jointly set up by the DoAR & PG and the Legislative Department under the Chairmanship of Secretary (Personnel).

A RTI application was filed in September '11 with the DoAR & PG to provide the latest status report of the Standing Committee on action taken by various ministries and departments on the recommendations of the Commission.

A perusal of the bi-monthly reports submitted by the DoAR & PG which details the action taken by various ministries and departments towards repealing dysfunctional laws reveals the following:

Year	Total No. of Acts	No. of Acts decided to be repealed and at various stages of repeal	No. of Acts under examination
2006	1382	18	9
2007	1382	17	9
2008	1382	17	9
2009	1382	17	9
2010	1382	17	9
2011	1382	17	9

The information clearly shows that for the past five years there has been no progress on the repeal of outmoded and inessential laws as was recommended by Commission.

- On the subject of review of administrative laws, rules, regulations and procedures, a RTI application was filed in September '11 with the Ministry of Law and Justice to ascertain information on the number of laws and acts passed by Parliament, which have not yet been declared effective by an official gazette or notification as well as disclosure of any government report which details these laws and acts which are not in force till date.

A reply was received stating that there is no such government report on the matter and that only 5 acts have been passed by Parliament, which have not yet been enforced through an Official Gazette or Notification.

A follow-up RTI has been filed to find out the official reasons for their non-enforcement through an Official Gazette or Notification.

Two articles on the subject of regulatory reforms titled '*Regulating the Regulators*' and '*Essential Principles of Regulatory Oversight*' have been published on November 8 and November 13, 2011 in The Indian Express and Business Standard respectively. The articles argue for the need to weed-out colonial era and out-dated rules, laws, regulations and procedures which are cluttering statute books and slowing down the pace of reforms. Further, that regulatory reform requires a 'whole-of-government' approach and oversight institutions that are aligned towards producing high-quality regulations.

- The Fourth Report of the Second Administrative Reforms Commission (ARC) focussed on 'Ethics in Governance' laying down certain ethical, legal and institutional frameworks to tackle corruption and systemic reforms to promote 'good governance' in the country. The Foundation filed an RTI application in January 2011 with the Department of Personnel and Training (DoPT) to find out the following information:
  - (i) whether any of the recommendations proffered by the Second ARC have been implemented by the government;
  - (ii) and what is the status of implemented recommendations, if any, of the Second ARC's recommendations.

A reply was received from the DoPT to the RTI application stating that out of 134 recommendations mentioned in the Fourth Report of the Second ARC, 85 recommendations have been accepted by the government. Further, out of 85 accepted recommendations, action has been taken in respect of 41 recommendations while another 44 recommendations are under implementation.

Further, a reply was received from the Deputy Secretary to the Govt. of India stating that the details relating to the implementation of Second ARC's Fourth Report titled 'Ethics in Governance' was the subject of a Lok Sabha Starred Question No. 27 for 23.02.2011 on Corruption/ Ethics in Governance by Shri. Jayant Chaudhary and Shri Pralhad Joshi, the reply to which could be accessed through the Lok Sabha's website mentioned below (<http://164.100.47.132/Annexure/lsg15/7/as27.htm>.)

#### (v) Government Procurement

Full transparency in public procurement and contracts has been flagged as key policy intervention in the government's plan to tackle corruption in the country. The Foundation has undertaken preliminary research on public procurement analysing various documents by national and international bodies as well studying some of the best practices in the field with the aim of developing certain basic features, which are indispensable to any procurement framework.

Two articles on the subject of government procurement '*The Missing Link in Governance Reforms*' and '*Public Procurement needs an Overarching Framework to be Fair*' have been published in The Financial Express and Economic Times on April 19, and May 14, 2011 respectively. The articles argue that an overarching framework in public procurement will provide government agencies a yardstick to review their procurement norms as well as help them issue more detailed instructions towards ensuring transparency and public oversight of procurement contracts.

The Foundation has also shared its views and suggestion on improving the government's procurement regime with the concerned departments in the government and the Secretariat of the Group of Ministers constituted for the purpose of ensuring transparency and probity in governance.

## (vi) Measures to Check the Growth of Black Money

- To tackle this growing menace, the Foundation has examined various international-led initiatives and best practices that have significantly reduced the size and role of the black money economy.

For the purposes of advocacy, PIF has shared its suggestion paper '*Dealing with Black Money Economy: Learning from Best Practices*' with the Chairperson of the CBDT, who currently heads the Committee on Black Money constituted by the Union government. The recommendations proffered appeared as a news item in **Dainik Bhaskar** on July 22, 2011.

A newsletter was also circulated among NGO/CSO representatives to build a broad-based consensus on the issue.

- Benami transactions have accounted for the burgeoning size of the black money economy in India. Despite the Benami Transactions (Prohibition) Act being promulgated since 1988, little or no action has been taken on account of the glaring loopholes in the law itself. The Foundation has been advocating for the amendment of the Act to make it more effective. Finally, in August 2011 the Benami Transactions (Prohibition) Bill, 2011 was introduced in Parliament which provides legal teeth to the provisions in the Act.

The article '*How Serious are we about Black Money Issue*' which was published in the July 2011 edition of the **Governance Now magazine** highlights the urgent need for amending the Benami Transactions (Prohibition) Act of 1988.

## (vii) Asset Declaration of Public Functionaries

The Foundation has developed a series of recommendations to bring about transparency and accountability in the political system, mainly looking at asset disclosure provisions for civil servants, politicians and political parties.

With the issue of systemic reforms to curb corruption high on the political agenda, Public Interest Foundation on 21<sup>st</sup> April, 2011 organised a ***Round Table Conference*** to build consensus among key stakeholders on the need to strengthen 'clean governance' mechanisms.

The Round Table Conference sought to solicit expert opinion and views on the interrelated subjects of **Disclosure of Assets by Public Servants and Political Parties** and **Recovering the Ill-gotten Wealth of Public Servants** with a view to making informed suggestions and recommendations to the government.

The distinguished panelists and participants, who included former and incumbent government servants, civil society activists, academicians, journalists and corporate honchos, agreed that **public disclosure of information and reporting are critical in ensuring transparency and accountability in the government machinery.**

Moreover, asset declarations by bureaucrats, politicians and political parties needed to be legally enforced by instituting an asset monitoring system that keeps and manages proper records, monitors the timeliness as well as the validity of the assets declared by them. Such an independent body which audits and determines the false disclosure or non-disclosure of statements of income, assets, political contributions and expenditure would go a long way in fighting graft in the establishment.

For purposes of advocacy, the consensus points emerging from the round-table conference was shared with the media, civil society organisations and was also placed before the government for an early adoption.

The article '***A Case for Sunlight Laws in India***' which was published in **The Business Standard** on March 18, 2011 argues for rationalizing bureaucratic accountability through an institutionalized system of professional ethics, calls for the end of political exceptionalism by applying the rule of law and reigning in of political parties with a demand for internal democracy.

### **(viii) Forfeiture of Ill-Gotten Wealth**

With black money stashed away abroad, the Foundation has been advocating for the adoption of the Corrupt Public Servants (Forfeiture of Property) Bill, the first-of-its-kind law to sanction the seizure and return of illegally acquired or held properties, whether in India or abroad, by holders of public office.

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The distinguished panelists and participants, who included former and incumbent government servants, civil society activists, academicians, journalists and corporate honchos, agreed that the **confiscation of property illegitimately belonging to public servants serves as a strong pre-emptive and deterrent measure at that no protective umbrella in the law can shield the corrupt from prosecution and the rule of law.**

It was debated that the 1999 Law Commission's Corrupt Public Servants (Forfeiture of Property) Bill which has been in cold storage indefinitely could be used to recover the ill-gotten wealth and black money stashed away in tax havens and offshore bank accounts.

It was felt that mere prosecution of corrupt public servants through the long-drawn judicial process was not enough to tackle the canker of corruption. **What was seriously needed is to ground the illicit flight of capital by depriving corrupt public servants of the gains from their illegally acquired assets and properties.** Therefore, the Law Commission's proposal to sanction the seizure and return of illegally acquired or held properties, whether in India or abroad, by holders of public office needed to be promulgated with immediate effect by the government.

For purposes of advocacy, the consensus points emerging from the round-table conference was shared with the media, civil society organisations and was also placed before the government for an early adoption.

A synopsis of the provisions of the Corrupt Public Servants (Forfeiture of Property) Bill can be found in the article '[\*Grounding India's Illicit Flight of Capital: Recovering the Ill-Gotten Wealth\*](#)', which was published in the August issue of the **Governance Now** magazine.

### **(ix) Vohra Committee**

The fact that the Indian reality has not changed but indeed worsened with respect to political corruption as also with criminalisation of politics was announced by the Vohra Committee report as far back as in 1993.

In light of its explosive findings, the Foundation filed a RTI application in September 2010 with the Ministry of Home Affairs seeking the status of action taken on the Dinesh Trivedi vs. Union of India (1997) Supreme Court judgement for the constitution of a high-level independent commission to monitor investigations involving the nexus referred to in the Committee's report.

A reply was received mentioning the constitution of the Nodal Group by way of a government order and a total of 36 meetings being held so far.

A follow-up RTI application was filed seeking the date on which the Nodal Group was constituted and a copy of the order passed for its constitution as well as copies of the minutes of all the 36 meetings held by the Nodal Group till date.

A reply was received wherein it stated that "the information called for in the said application is not available in the section. Hence, it is regretted that CPIO is not in a position to provide the requisite information".

The Foundation filed an appeal with the First Appellate Authority. However, it was disposed of on the grounds that "...as the nodal group deals with classified inputs and information and that such information is supplied by the Organizations which are exempted under Section 24 of the RTI Act read with Schedule II, copies of the minutes, as sought, enjoy immunity from disclosure. Further by their very nature, discussions/decisions of the Committee are covered under the exemptions of Section 8 (1) (g) and (h)."

The Foundation has filed a **final appeal with Central Information Commission (CIC) in July 2011 seeking a review of the decision on the Vohra Committee RTI** and placed its application online in November 2011.

Our contention is that 16 years have passed since the constitution of a Nodal Group entrusted with the onerous task of bringing to book those implicated in the Committee's report. Yet **the citizenry has no knowledge of what measures have been taken by the nodal group to remedy the grave situation.**

The objective of the Foundation is to determine whether the key features of the nodal group, mentioned in the Hon'ble Supreme Court's order, have been adhered to in toto. This includes the following:

- A body which can function independently, free from all political encumbrances and pressures
- A body which has both the powers of investigation and prosecution
- A high-level body that is appointed by the President on the advice of the Prime Minister and in consultation with the Speaker of the Lok Sabha
- A committee that can monitor the investigations involving the nexus referred to in the Vohra Committee report

Evidently, **every citizen has the right to know the level of compliance to the Hon'ble Supreme Court's judgment in letter and in spirit.** We aver that the general public has every right to know what concrete steps have been taken by the Nodal Group to reverse the disturbing trends mentioned in the Committee's findings.

The Foundation is awaiting the CIC's order on the matter.

## (x) The Right To Public Services

The right to public services which serves as legally-bound pact between service providers and users is instrumental in overcoming the myriad problems of corruption and red-tapism that plague public service provisioning and in reforming the government administration for their effective delivery.

The Foundation has undertaken a comparative analysis of the various state laws enshrining the right to public service based on the major features of the Citizens' Charter framework. This includes the states of Bihar, Madhya Pradesh, Punjab, Delhi, Rajasthan and Himachal Pradesh. The innovative features of the various state legislations has formed the basis of advocacy with those states that are yet to initiate their own laws guaranteeing public services to citizens. The Foundation has sent letters to Chief Secretaries and Chief Ministers of these states urging them to adopt such a law on public service delivery for a more citizen-friendly government.

The article '*The Right to Public Services: Putting People First*' which argues for a Central law institutionalizing the right to timely and quality public services was published in the **New Indian Express** on July 24, 2011.

A lengthier version of the article discussing in detail the Citizen Charter experience and its role in the Lokpal debate was published in September 2011 in **Infochange Media**, a website dedicated to news and analysis on social justice and development issues in India.

Further, in order to understand the impact of the state laws on the right to services in empowering citizens towards better service delivery, **RTI applications** have been filed in October '11 with the state governments of Punjab, Delhi, Rajasthan, Himachal Pradesh, Bihar and Madhya Pradesh seeking the following information:

- a) The number of government services covered under the Acts
- b) The number of government departments notified to provide services identified under the Acts
- c) Number of applications received, processed and pending as on 31.10.11 in each government department covered under the Acts
- d) Timeline for online computerisation of service notified under the Acts;
- e) Name and addresses of the CPIOs responsible in the concerned departments notified under the Acts
- f) Details of any penalty imposed on any defaulting officers.

Replies are awaited from the state governments.

In light of the Central Government's draft Citizens' Right to Grievance Redress Bill, 2011 the Foundation has forwarded its recommendations and suggestions to strengthen the Bill to the Department of Personnel and Training (DoPT).

The article "*Bill must emphasise the right to public service*" argues that the draft Citizens' Right to Grievance Redress Bill must lay stress on service guarantees as public entitlements and not simply on grievance redressal mechanisms was published in the **New Indian Express** on December 4, 2011.

### (xi) Advocacy for Strong State Lokayuktas Act

The institution of the Lokayukta is an Ombudsman entrusted to check rising levels of corruption at the state level. But only 19 states out of 28 states in India have enacted the Lokayuktas Act, which provides for an anti-graft watchdog.

The Foundation undertook a comparative study on the various State Lokayukta Acts comparing them with the model Mukhya Lokayukta Bill, adopted at the Colloquium of All India Lokayuktas/Upalokayuktas held in December 2010 at Bhopal. An analysis of the findings can be found in the article '*A Case for Effective Lokayuktas*', which was published in *The Business Standard* on July 17, 2011 and also appeared in the July issue of the journal *Transparency Review*. The comparative table is as follows:

STATE LOKAYUKTAS	Mukhya Lokayukta & Lokayukta Bill	Karnataka	Madhya Pradesh	Himachal Pradesh	Chhattis-gardh	Bihar	Gujarat
Do the Public Functionaries include civil servants, elected representatives & others?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the appointing process transparent, consultative & clear?	Yes	Yes	Yes	Yes	No	No	No
Does it have suo-moto powers of cognizance?	Yes	Yes	No	No	No	Yes	Yes
Does it have suo-moto powers of investigation?	Yes	Yes	No	No	No	Yes	Yes
Does it have independent investigating agency?	Yes	Yes	No	No	No	No	Yes
Does it have suo-moto powers of prosecution?	Yes	Yes	Yes	No	No	Yes	No
Does it have powers to enforce its recommendations?	Yes	Yes	No	Yes	Yes	Yes	No
Does it have Judicial powers to punish for contempt of court?	Yes	Yes	Yes	Yes	No	No	No
Does it have police powers?	Yes	Yes	Yes	No	No	No	No
Does it have power to issue warrants for search & seizure?	Yes	Yes	Yes	Yes	No	No	Yes
Does it have powers to call for annual asset statement from Public Functionaries?	No	Yes	No	No	No	No	No

The findings from the research analysis have been shared with various civil society organisations and representatives. It has also formed the basis of advocacy with those states that are yet to create the state-level anti-corruption Ombudsman and a letter highlighting the need for the same has been addressed to Members of Parliament, Leaders of the Opposition Parties in Parliament, National Advisory Council members, Chief Ministers and Chief Secretaries of states.

In order to evaluate the effectiveness of the working of the 19 State Lokayuktas, the Foundation has filed a RTI application seeking information pertaining to their functioning from the years 2008 to 2011. This includes:

- a) Total number of complaints received on cases of corruption
- b) Number of corruption cases received against civil servants and politicians
- c) Number of cases tried by the State Lokayukta during this three year timeframe
- d) Number of cases in which the State Lokayukta has forwarded its report recommending action to the appropriate authority
- e) Number of cases in which the appropriate authority has taken action on the State Lokayukta's report and recommendation
- f) Number of pending cases with the State Lokayukta during this three year time period
- g) Number of cases disposed off by the State Lokayukta during this three year time span

Replies have come from the states of Uttarakhand, Maharashtra, Assam, Kerala, Rajasthan, Haryana, Andhra Pradesh and Delhi. The Foundation is in the process of analysing the information received.

## (xii) The Lokpal issue

The Foundation has examined various versions of the proposed Lokpal Bill suggested by the government, Team Anna and the National Campaign on People's Right to Information. In view of the issues at stake, we have sent our recommendations to the Chairperson of the Parliamentary Standing Committee on the following issues- creation of effective State-level Ombudsman or Lokayuktas; the Right to Public Services and Grievance Redressal Mechanisms; an empowered Central Vigilance Commission and a functionally autonomous CBI.

In the context of the ongoing Lokpal debate, the role and mandate of the CVC within the larger anti-corruption institutional regime requires careful thought and consideration. The article '[\*Creating a CVC that can deliver\*](#)', which was published in **Live Mint, Wall Street Journal** on September 1, 2011 discusses the challenges and opportunities that lie ahead in its fight against graft within the system.

The Foundation believes that the oversimplified and hurried attempt to plug the structural loopholes of a failing anti-corruption apparatus is short-circuiting procedural and legal complexities that will challenge the very edifice of the proposed Lokpal. The article '[\*A pill to cure all evil?\*](#)', which was published on December 11, 2011 in **The Hindustan Times** presents an alternative view to the Lokpal debate.

The Hindi version of the article appeared on December 27, 2011 in Dainik Jagaran also.

### **(xiii) Member of Parliament Local Area Development Scheme (MPLADS)**

The MPLADS scheme, wherein MPs recommend a basket of developmental works in their constituencies is an important national-level scheme directed at community development. The Foundation is currently looking at the performance of the Scheme.

The Foundation has filed **RTI application** with the district authorities of Latur (Maharashtra), Jalna (Maharashtra), Coimbatore (Tamil Nadu), Kancheepuram (Tamil Nadu), Cooch Behra (West Bengal), Bardhaman (West Bengal), Jhansi(Uttar Pradesh), Faizabad (Uttar Pradesh) and Bulandshahar (Uttar Pradesh) in the month of October 2011 seeking the following information:

- a) **Monthly progress reports** for the years 2009-10 and 2010-11 detailing the work status of all sanctioned projects, including ongoing, completed and not-yet-started and discontinued works (refer to Guideline on MPLADS No. 6.4 (viii))
- b) The **periodical works completion reports** for the years 2009-10 and 2010-11 of all completed works (refer to Guidelines on MPLADS No. 6.4 and 6.5)
- c) **Date of receipt and amount of money sanctioned** by the concerned Central Ministry for works sanctioned under the Scheme as well as its **utilisation** at the end of each financial year, beginning with the year 2009-10 and 2010-11

The district authorities of Jhansi, Latur, Faisabad, Coimbatore, Burdwan and Coochbehar are in the process of furnishing the requisite information.

The Foundation is in the process of undertaking a study on MPLADS **across 9 districts in the four states of Uttar Pradesh, West Bengal, Tamil Nadu and Maharashtra for the years 2009-10 and 2010-11. The objective is to capture not only the procedural lapses in the Scheme's implementation but also the substantive aspects about the Scheme's efficacy in achieving its stated goal of community development through the creation of durable assets.** Possible methodology for the study includes a combination of quantitative data analysis as well as qualitative findings to provide both rigour and insight to the study.

#### (xiv) Right to Education

The Right of Children to Free and Compulsory Education Act (RTI), 2009 became effective from April 1, 2010. The Act seeks to universalise elementary education through provision of free and compulsory education to children from the age of 6 to 14 years. The Foundation is currently tracking the implementation of the Act across the country.

The Foundation has filed **RTI applications** with all the 28 states of India seeking information on the **status of implementation of the Right to Education Act** a year since its promulgation. This includes:

- (a) the formation of State Advisory Committees
- (b) enactment of State Model Rules
- (c) estimation of funds for the realization of the Act
- (d) data-mapping of neighbourhood schools by local bodies
- (e) financial allocation and release of funds by the Centre

Replies have been received from only 9 states with mainly financial details being shared by them. An analysis of the RTI replies can be found in the article '***School Results are in***', which was published in **The Financial Express** on March 8, 2011.

As a part of a ground-level assessment of the Act's implementation, six districts of Uttar Pradesh have been chosen for seeking information on the teacher-pupil ratio, number of schools within 1 km. of distance, number of students enrolled in the year 2010-2011.

#### (xv) National Judicial Statistics Bill

As part of our advocacy towards ensuring greater judicial transparency and accountability, the Foundation is in favour of the periodical publication of a Judicial Statistical Report to help better assess the performance of judicial institutions and suggest remedies for judicial backlog in the country.

To track the Hon'ble Supreme Court's commitment towards **proactive disclosure of judicial data and statistics**, PIF filed a RTI application in January '11 on the subject.

A reply was received stating that statistical information pertaining to the Court's functioning is published in the "**Court News**", a **quarterly newsletter published by the Supreme Court of India**, New Delhi, and which can be downloaded from its website [www.supremecourtindia.nic.in](http://www.supremecourtindia.nic.in)

## **THE TEAM AT PUBLIC INTEREST FOUNDATION**

1. Mr. Nripendra Misra- Director (ex-Chairman of Telecom Regulatory Authority of India and former Secretary to Government of India)
2. Ms. Tannu Singh- Research Associate
3. Ms. Nidhi Sen- Research Associate
4. Ms. Lopamudra Nayak- Secretarial Assistance