



Public Eye

A Newsletter from Public Affairs Centre Bangalore India

The Rise of the Citizen Corporator!

A candidate with an unusual name – Adolf Victor D'Souza. An electoral campaign bereft of money and muscle power and managed by ordinary citizens. And finally, an electoral verdict that warmed the hearts of all political underdogs and sent a shiver down many seasoned political spines. These intriguing vignettes were played out in the recent municipal elections in Mumbai. In what has been hailed as a "historic" victory, the much-maligned urban citizen for once romped home victorious in a tight political contest. More than the victory itself, the selection of the candidate, the making of the campaign and the rousing of public support (read upper middle class) made this real-life political thriller a must-learn event. Let us start with the man himself. A former altar boy at the local church, a youth leader, a volunteer social worker for most part of his 44 years and an active member of the Juhu Citizens' Welfare Group, politics was perhaps the last thing on the horizon for Adolf D'Souza. But life changed for Mr. D'Souza on December 11, 2006 when 150 social activists from Juhu nominated him to contest the civic polls as a citizen's candidate. The initiative named "Vote Juhu" soon rolled out in right earnest and the campaign to get Adolf D'Souza started making waves. The striking features of the campaign were low expenses, high levels of local participation and innovative resource mobilization. A major portion of the campaign expenses (estimated to be around Rs. 70,000 – a miniscule proportion of what political parties often end up spending on local elections) was raised through individual contributions; D'Souza's previous experiences in fund raising for social causes, including the one in which he and his colleagues raised funds for the 'Save Juhu Beach' campaign by selling old newspapers would have certainly come in handy! A leading gynecologist embarked on a door to door

campaign for the people's candidate. Another resident emptied her garage to help D'Souza set up his election office. A senior officer from a MNC became a polling agent. And, the media sensing the possibility of an incredible victory started covering and beaming stories and images of this unique citizen initiative. As for the organized political parties and their candidates, they were caught napping. Perhaps, what tipped the scale in favour of "Vote Juhu" was the significant increase in voter turnout. An area known for its snobbish and apathetic responses to local elections – previous voter turnouts never exceeded 15% - Juhu recorded 40% turnout this time around.

Posterity will judge in very dispassionate terms how Mr. Adolf Victor D'Souza fared as a Corporator from Ward No. 63. The undercurrents of mainstream politics will test how this novice will stay firmly on the ground. The weight of expectations from those who voted him and of those countless others in rest of India who see him as a hero – an unlikely David who took on the might of many Goliaths – will test his resilience. But whatever may the verdicts and outcomes be, Mr. D'Souza's victory in Juhu marks a significant development in the growing citizen power in elections. For organized political parties, perhaps it is time to realize that empty political rhetoric, vacuous manifestoes and a growing disconnect between political ambitions and local realities no longer will fool an increasingly aware and active citizenry. And for those in the civil society, a good pointer on how to take the reigns of governance in their hands and anchor the building blocks of democracy to the place where they should remain – among the people.

But for now, three cheers for the man who lived up to his middle name and who bears a resemblance to a young Mohandas Karamchand Gandhi. Way to go, Mr. Adolf Victor D'Souza!



RESEARCH

Successful application of the CRC e-learning Toolkit in Nawaan, The Philippines

Citizen Report Cards (CRCs) in general, have over the last decade been carried out in various national and international contexts. However, using an e-learning toolkit to carry out a CRC with minimal support from the Public Affairs Centre, is being piloted in two locations each in the Philippines and Pakistan. The CRC self-learning e-toolkit was developed by Public Affairs Centre (PAC), with support from the Asian Development Bank (ADB) and the Asian Development Bank Institute (ADBI), with the objective of sensitizing both the state and the civil society to the potency of the Citizen Report Card approach to bring in improvements to the delivery of public services.

While the first phase of the project concentrated on developing the toolkit and hosting the same for public review and use through a dedicated website (www.citizenreportcard.com), the second phase comprises of using this toolkit to pilot CRCs in two sites each in the two countries mentioned above (the Philippines and Pakistan) by local Governance Training Institutes. It is envisaged that these pilots will address two critical learning objectives – firstly, to use the learnings to enhance the toolkit, and secondly, to incorporate the CRC into the curriculum of the partner training institutes.

The first of the pilots commenced in the Philippines, with a CRC carried out by the

Administrative Divisions of the Philippines

The Philippines is divided into:

- Provinces & Independent cities
- Municipalities
- Barangays

A Barangay is the smallest local government unit in the Philippines and is the native Filipino terms for village, district or ward. Each Barangay is headed by the Barangay Captain, who is aided by elected counselors. As of December 31 2006, there are a total of 41,995 Barangays in the Philippines.

(Source: Wikipedia)

University of the Philippines National College of Public Administration and Governance (UP-NCPAG), in three barangays (Linangcayan, Maputi and Poblacion) of Nawaan municipality in the Mindanao region. The two services covered included water and health that are implemented by the Municipality of Naawan, Misamis Oriental,

and covered a limited sample size of 200 respondents. To ensure that this pilot CRC was carried out effectively, members from PAC visited the Philippines at crucial phases to provide on-site support, along with remote support during all stages.

In the first phase of the CRC, to get a buy-in from the local stakeholders, preliminary discussions were held with the Mayor and relevant municipal officials in Nawaan to discuss the purpose and objectives of the project and usefulness of the CRC. Following this, a Focus Group Discussion (FGD) was conducted with a representative group of stakeholders from the three barangays. Information from discussions with the municipal officials and from the FGD helped to design the CRC survey questionnaire, which was then administered to randomly selected 200 households (with a sampling error of plus or minus 3) as part of the second phase of the CRC. The interviews were carried out by barangay health workers trained and supervised by the UP-NCPAG Team and the PAC team. The findings were then disseminated to the stakeholders and to the general public on 24th and 25th January 2007, respectively. This pilot CRC has thus enabled Naawan's citizens to provide systematic feedback on these essential services to the municipal government. The findings also provided a good diagnosis of how users have rated water and health services in terms of access, reliability, transparency and responsiveness.

Water services as provided by the Naawan Municipal Water Service/Municipal Economic Enterprise Development Office (NWMS/MEEDO)

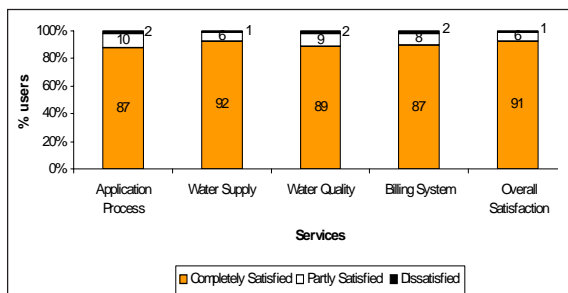
Major Findings:

- NWMS/MEEDO's efforts to provide safe piped water at homes have paid rich dividends with 73% of the sample respondents reporting that they are connected to the network. Inability to meet the costs of connection was quoted as the main reason for non-connection - 24% reported not being able to afford material costs and 19% could not afford the connection fees. About 26% of the respondents also said that they have their own water source and preferred to stay with the same. The main source of water for those not connected, was the artesian well.
- A little over one-third (37%) of the non-users expressed a willingness to be connected to the NMWS piped supply network. Among them, 43% reported that they would go in for a connection if the material costs were to be paid in installments, and 35% said that they are willing to pay P50 for their monthly water bills.



- Compliance with the steps and procedures for applying and initial connection was reported by most respondents, except for attendance in the orientation seminar. Connection to the main water line from the household took one (34%) to more than two days (47%). Nearly all (98%) of the users were satisfied with the NMWS/MEEDO staff during application, with 97% expressing complete satisfaction.
- This survey, however found some evidences of lack of uniformity in tapping and subscription fees: while about 43% paid P200, 26% paid P230. Again, while around 22% paid less than P200, 10% paid more than P230.
- Almost all (99%) were satisfied with the quality and consistency of water supply, with 92% expressing complete satisfaction.
- Nearly all (98%) expressed satisfaction with the billing system, with 87% indicating complete satisfaction.
- An overwhelming 99% of the respondents expressed overall satisfaction with the water service of NMWS/MEEDO, with 91% indicating complete satisfaction.

Chart 1 : Satisfaction with NMWS/MEEDO



Major conclusions

- The CRC survey clearly indicated that the coverage of water services by NMWS/MEEDO is impressive. However, spatial variations were found in the reach of the current network, especially in Maputi barangay where large numbers of residents use artesian wells to access water. Given the fact that the quality of water from these wells has been a matter of concern and public discussion in the past, a strong need is felt to bring more people in Maputi within the safe piped water system.
- Since economic reasons emerge as a major cause for not getting connected, focused incentives like paying in installments and flexibility in options like pre-paid connection charges can be explored as possible solutions.
- This survey has also found evidences of non-compliance to stated service norms (e.g. variations in the fee) and lack of uniformity in service standards.

Nawaan Municipality gets the Gawad Galing Pook Award in 2005!

In 2003, Naawan's public economic enterprises were all in the red. Managed by the Municipal Treasurer's Office and the Municipal Engineer's Office, neither could effectively handle the program as both were already overburdened by their main duties. The irony is that the program was meant to bring in revenue but became a drain on the municipality's resources instead.

With help from the Philippine-Canada Local Government Support Program (LGSP), a separate Municipal Economic Enterprise and Development Office (MEEDO) was established to manage the operation of public economic enterprises.

By 2004, the office posted a positive income for the first time in three years. The income came from a substantial increase in water collection which nearly hit P1 million—higher than the combined collection in the past four years.

This turnaround was officially recognized in 2005 when the Gawad Galing Pook – the pioneering awards program on innovation and excellence in local governance – selected Nawaan Municipality as one of the 10 trailblazing programs in the Philippines

(Source: <http://www.galingpook.org/awardees/2005>)

Action Points

The pilot CRC by the NCPAG provided clear pointers to the Municipal Government to improve its current high levels of performance. Some points for action suggested included:

- Increasing the coverage of existing piped water supply by bringing more non-users to the network. As discussed above, this can be done by exploring creative solutions like paying connection charges in installments and introducing options for prepaid consumption charges.
- Transparency in service can be increased by proactively disclosing standards and norms of services and, also by strictly complying with stated service standards.

Health services as delivered by the Naawan Health Center (NHC)

Major Findings:

- Only 64 (32%) of the respondents cited an illness in the family in the last six months. Almost one in two who fell ill (47%) were taken to the Naawan Health Center. Proximity to the facility was cited as a key reason for choosing the Naawan Health center; 53% said that it is less than a kilometer from their homes.
- All those who visited the Naawan Health Center reported the presence of a doctor when they arrived at the health center. In most cases, the doctor attended to the patient in



UPDATE

The Coalition Against Corruption (CAC)

In December 2005, Public Affairs Centre (PAC) along with four other Bangalore based non-government organizations – Swabhimana, AVAS, CREAT and Consumer Care Society- initiated the Coalition Against Corruption (CAC) campaign to fight against the corruption faced by the public in government departments.

CAC is a campaign involving citizens to fight against corruption in government departments and agencies. An ANTI-CORRUPTION HELPLINE [6573 4444] has been established to provide assistance to citizens in the redress of their complaints and grievances relating to corruption faced from public departments and agencies. CAC will address corruption in public utilities and departments by bringing social and moral pressure on concerned agencies (and corrupt officials) through an established citizen-friendly process. The HELPLINE receives and registers specific complaints from the aggrieved citizens and forwards it to the respective agencies/ departments for remedial actions.

Since its launch, CAC has identified nodal officers in Bangalore Mahanagar Palike (BMP); Bangalore Development Authority (BDA); Bangalore Water Supply and Sewerage Board (BWSSB); Bangalore City Police; Bangalore Electricity Supply Company (BESCOM); Transport Department; Revenue Department; Stamps & Registration Department and Department of Health (Hospitals). In addition to this, CAC has also been addressing specific instances of corruption, reported by affected citizens, in other departments and agencies, on a case-by-case basis.

Publicity Measures

The helpline has been widely publicized through newspaper articles, interactive chat programmes on Radio, Cable TV networks and advertisement panels on public buses. Recently, BASF- a major private sector partner committed to the fight against corruption as a part of its corporate social responsibility - has supported the campaign by sponsoring the advertising of the helpline through public billboards positioned in strategic locations across Bangalore; Prime Publicity, a leading advertising agency in the city provided the hoarding space at nominal charges. The response to this publicity drive has been encouraging and apart from many new cases getting registered, various like-minded groups have also expressed an interest to associate with CAC.

(Continued on page 12)

less than 15 minutes. All found the doctor's chamber to be clean.

- Most patients received all the prescribed medicines and except in one case, the medicines were provided free of cost. However, four percent of the respondents reported the presence of expired medicines.
- Very few respondents (3) encountered problems while using the services of the Health Center. While all respondents found the staff courteous, only 43% reported that they were highly efficient.
- Outreach activities of the Center were found to be effective with all respondents saying that a health worker visited their residences and gave information on hygiene and vitamin supplements.

Major Conclusions

- While feedback on health services has been found to be extremely positive there is a concern regarding the presence of expired medicines and lack of efficiency among the NHC staff.

Action Points

- Quality of medicines provided at the Center need to be monitored and efficiency of staff need to be improved through training.

During the dissemination of findings and advocacy sessions with the stakeholders, the teams from NCPAG and PAC emphasized the need for constant feedback at regular intervals from all stakeholders.



Release of the CRC findings at Naawan

With the completion of this CRC, NCPAG has now commenced the second CRC, which is being carried out in Quezon City, near Manila for three services – health (both primary and tertiary), building permit, and business permit. Public Eye will highlight the findings, which promise to be of interest, in its next issue.

(For further information on this project, please contact Dr. Sita Sekhar or Dr. Meena Nair at research@pacindia.org)



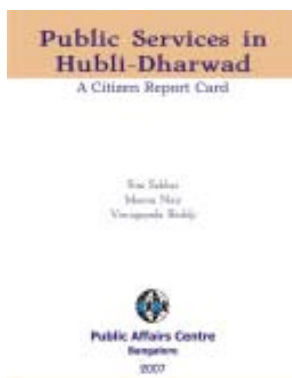
NEW PUBLICATION

Public Services in Hubli-Dharwad – A Citizen Report Card

By Sita Sekhar, Meena Nair and Venugopala Reddy

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(2007)

This report presents the findings of a Citizen Report Card (CRC) on the services of Hubli-Dharwad Municipal Corporation (HDMC), Hubli Electricity Supply Company (HESCOM) and North West Karnataka Road Transport Corporation (NWKRTC) that was carried out in Hubli-Dharwad, a city located in the district of Dharwad in Northwestern Karnataka.



THEME ARTICLE

The right to information in India – Implementation

(This is the second in a series of three articles on the Indian Right to Information Act, 2005. The last part will appear in the next issue of Public Eye.)

1. Introduction

After years of a civil society-led struggle for a national right to information regime, the Indian Right to Information Act (Act No. 22 of 2005) was passed in May 2005 and came into force on 12 October 2005. The Right to Information Act provides for a procedural right to information. It entitles citizens to seek information which is held by or under the control of public authorities. The Right to Information Act puts public authorities under the corresponding obligation to meet information requests of the citizens, unless previously defined exemptions apply, and furthermore obliges public authorities to proactively provide certain key information, even in the absence of a request. This procedural right to information law has the potential to be utilised as a tool for democracy, the protection of human rights, good governance, and against corruption providing it is effectively implemented and enforced. With this in mind, the second part of this article attempts a short evaluation of the implementation of the Indian Right to Information Act.

Preconditions for an effective implementation are - establishing efficient implementation and enforcement authorities and systems, improving record management, training public officials, as well as raising public awareness of the right to information law.

2. Implementation and Enforcement Authorities and Systems

First of all, it is important to establish efficient implementation, appeal and enforcement systems backed by independent and strong implementation and enforcement authorities. Even where a right to information law has been enacted by the parliament, there may still be only a weak commitment amongst politicians or public officials to ensure its effective functioning. Therefore, it is essential to have **information champions**, for example nodal agencies, information officers and appellate authorities or information commissions, who are responsible for ensuring an effective implementation and enforcement of the new law.

2.1. Nodal Agency

The main task of a nodal agency is to take the lead in guiding the implementation, this includes sending out guidance materials explaining the new duties to public officials under the right to information law and setting out timelines for action as well as developing training curricula. It is essential that the nodal agency be properly resourced to discharge their new duties. The staff of the nodal agency should have a proven track record of promoting transparency and would ideally have experience in training, selection of new staff and record management¹.

At the national level in India, the Department of Personnel and Training, which also undertook the administrative lead on drafting the Right to Information Act, is the nodal agency responsible for ensuring that the Act is properly operationalised. With its previous commitment to the right to information in the drafting process and its training and human resource experience, the Department of Personnel and Training constitutes a potentially effective nodal agency. At the state level, diverse public authorities, such as the Ministry of Information, General Administrative Department or the Public Relations Department have been appointed as nodal agencies.

2.2. Information officers

Right to information laws often require the nomination of information officers who are responsible for receiving and processing information requests (applications). The Indian Right to Information Act designates two different types of officials to handle applications: Public Information Officers and Assistant Public Information Officers.

¹ Commonwealth Human Rights Initiative (ed.), *Implementing Access to Information – A practical guide for operationalising freedom of information laws*, 2006, p. 7.



Public Information Officers must be designated in all administrative offices, at the Central, State and local administration level. Public Information Officers are responsible for receiving and processing applications². They also have an obligation to assist requesters who are having difficulties making their applications. The names of Public Information Officers have to be prominently displayed on notice boards at all offices and on their websites.

Assistant Public Information Officers must be designated by public authorities at the sub-district or sub-divisional level, to forward applications to the relevant Public Information Officer located at higher levels. This system has been put in place so that people in rural areas, far away from government headquarters, will have less difficulty in submitting and following up their applications. The Assistant Public Information Officer has an obligation to forward the application to the Public Information Officer within five days of receipt³.

Unfortunately, in India, going by the feedback of participants at a recent national workshop on Right to Information, the appointed Public Information Officers are frequently absent or unavailable to accept applications and often show an attitude of resistance and refusal to accept applications. This problem should be tackled in the framework of training programmes, which offer an opportunity to demonstrate the importance of the right to information and convince the Public Information Officers about the necessity to fulfill their obligations.

2.3 Appellate Authorities and Information Commissions

a. Appeals Mechanism

The Right to Information Act in India includes an appeal and complaints procedure which is intended to allow a person to apply to a superior body for assistance where he/ she has been given no response, where he/ she believes that his/ her application has been wrongly rejected or where there has been non-compliance with some other general provision of the law, for example the failure to implement proactive disclosure requirements or to appoint Public Information Officers.

This appeal process contains three stages:

1. Internal appeal to an appellate authority appointed within the public authority who will be an officer senior in rank to the Public Information Officer but from the same public authority.

2. Appeal to either the Central or State Information Commission, a new independent body established under the Right to Information Act specifically to handle complaints and oversee implementation, if the requester is unhappy with the decision made by the Departmental Appellate Authority. Section 19 (4) of the Right to Information Act allows Information Commissions to hear appeals from decisions of Departmental Appellate Authorities. In addition, Section 18 (1) broadens the scope of Information Commissions review powers and allows them to hear complaints on a wide variety of grounds, including where the information requesters are aggrieved by a Public Information Officer's decision.
3. Appeal or complaint to the courts (either the High Court or Supreme Court), if the requester is unhappy with the decision of the Information Commission.

In India, the Central and State Information Commissions have been given specific responsibilities to monitor the Right to Information Act. The power vested with the Information Commissions under Section 19 (8) to require public authorities to take action to comply with any part of the Act, and under Section 25 (3) (g) of the Right to Information Act to make recommendations for reform also clearly demonstrates that the Information Commissions need to be constantly monitoring implementation to ensure that they can make well-informed recommendations and decisions.

While the central government in India established an independent Central Information Commission⁴, some states (including Rajasthan, Bihar, Jharkhand, Arunachal Pradesh) are yet to set up the required Information Commissions, while some other states have Information Commissions with minimal infrastructure and personnel. Arguably, in these cases, citizens are deprived of the statutory complaints and second appellate mechanisms to deal with the unreasonable action of Public Information Officers and with the missing monitoring facility, an effective implementation of the Right to Information Act can not be guaranteed.

3. Record management systems

At the core of the right to information implementation is an efficient record management system. Records - in the form of papers, documents, files, notes, materials, videos, tapes,

² Section 5(1) of the Right to Information Act No. 22 of 2005.

³ Section 5(2) of the Right to Information Act No. 22 of 2005.

⁴ See: <http://www.cic.gov.in>.



samples, computer printouts, disks, etc. - are the means by which governments can answer information queries from citizens. Without an effective system for creating, managing, and archiving records, implementation of right to information will be more difficult. It will be harder to reply to applications within the time limits set by the law, if the information requested cannot be located in a timely manner. In contrast, a well-organized record keeping system can facilitate easy access to governmental information by the public.

A nation-wide government records management policy is often essential, and can easily be adapted at national or local authority level. A public records management system should include proper procedures and policies for documenting key government policies and activities. Documents of general interest should be prepared in a form understandable to the general public and, where possible, be placed on the Internet for the benefit of those with access. The framework for keeping and archiving records and the guidelines allowing accessibility by the public must be simple and clear. An important element of any record management system is computerisation of records for easy recording, updating, processing and transfer of information.

Section 4 (1) (a) of the Indian Right to Information Act specifically requires that records should be managed in a way that facilitates access. In practice, this will require regular review of current records management processes, not only in terms of collection and storage, but classification and archiving as well. The Act goes even further and requires that as many records as possible should be computerised and connected through a network all over the country (subject to financial resources). Currently there is no effective computerised record management system in place in India. However, the International Records Management Trust, an international non-profit organisation which works to assist governments to review and implement records management systems, is currently doing some work with the Indian Central Government on records management training. Another step in the right direction is the establishment of an official right to information website by the government, which provides some key information and documents from public authorities across the country.

4. Training civil servants and public officials

An enabling strategy to tackle bureaucratic resistance against the implementation of right to information legislation is to undertake training programmes to ensure that all officials understand their obligations and are committed to openness. Ideally these training programmes will increase the knowledge of the content of the right to information law, clarify how information is to be

provided, explain record management systems and highlight the role of civil servants in implementing a culture of openness as a core value of public administration⁵. This capacity-building on right to information needs to be provided to public officials in all departments and at all levels. However, as a matter of priority, it is particularly important to train all information officers who are responsible for dealing with right to information applications and all appellate and complaints authorities who are responsible for handling appeals on how to apply and interpret the right to information law.

Section 26 (1) (d) of the Indian Right to Information Act specifically places an obligation on the government to provide training to public officials. Consequently, the central government declared the administrative training institute, Yashwantrao Chavan Academy of Development Administration (YASHADA) in Pune as the national resource centre for capacity-building on right to information⁶. Since November 2005, YASHADA is responsible for training state and central governments' officials to train public officials at the lower levels of administration under the Trainer of Trainers (TOT) programme. In this context, YASHADA prepared a handbook as well as training modules for public officials on the Right to Information Act to guarantee uniformity in its implementation all over India. On this basis, several training programmes for public officials have been conducted by YASHADA in co-operation with the Commonwealth Human Rights Initiative in Delhi and the Centre for Good Governance in Hyderabad. In addition, the Prashasan Academy in Madhya Pradesh is providing training for all District Collectors on right to information. However, there is still need to extend these capacity-building activities in order to ensure that all information officers are aware of their roles and duties under the Right to Information Act. There is still poor knowledge about the procedures of the Right to Information Act at the lower levels of administration – Panchayats, smaller towns, block level, which makes the needs for more capacity-building evident.

5. Public Education

Experience in India and abroad has shown that, in the early stages of implementation, it is important for the government to take a proactive role in promoting the right to information law and making the public aware of how to use it⁷.

⁵ Commonwealth Human Rights Initiative (ed.), *Implementing Access to Information – A practical guide for operationalising freedom of information laws*, p. 10.

⁶ <http://www.yashada.org/organisation/org.htm>.

⁷ Charmaine Rodrigues, *Preparing to implement successfully, National Workshop on Right to Information Act 2005 Report*, 2005, p. 2.



These awareness raising and implementation strategies have to take into account the local needs of communities, as this will make it more likely that the public will recognise its relevance to their daily lives. In this context experience has shown that strategies which promote government-community implementation partnerships can be particularly useful⁸. For example, some of the state laws in India required the creation of "Right to Information Councils", comprising of officials as well as members of the community. These Right to Information Councils were responsible for monitoring, implementation and making recommendations to the government for removing obstacles to access to information⁹.

Section 26 (1) (a) of the Indian Right to Information Act requires the government to develop and organise public education programmes on right to information (subject to financial resources). The provision explicitly specifies that such programmes should be particularly targeted towards disadvantaged groups. Section 26 (2) of the Act also requires that the central and state governments produce a "User's Guide" for the public in all official languages. It should be a clear and simple guide containing practical information to facilitate the effective exercise of the right to information under the law, and it should be disseminated widely in accessible formats.

Unfortunately, till date the central or state governments have not managed to produce this Users's Guide in accordance with Section 26 of the Right to Information Act and what is worse is that they have so far not published the Right to Information Act in all official languages¹⁰. In contrast, civil society organisations and the media have already been extremely active in raising awareness of the Right to Information Act by producing user's guides¹¹. and conducting training programmes in India, and their efforts could usefully be supported and endorsed by the governments in general and the Information Commissions in particular (for example through

⁸ Commonwealth Human Rights Initiative (ed.), *Implementing Access to Information – A practical guide for operationalising freedom of information laws*, 2006, p. 11.

⁹ See: Delhi Right to Information Act of 2001 and Maharashtra Right to Information Act of 2002.

¹⁰ Currently the Right to Information Act No. 22 of 2005 is only available in English, Hindi, Gujarati and Oriya.

¹¹ For example: Action for good Governance and Networking in India, *Citizen's Guide on Using the Right to Information Act 2005*, 2006; Commonwealth Human Rights Initiative, *Your Guide to using the Right to Information Act 2005*, 2006.

advertisements in radio and television or through a roaming information caravan). This would guarantee that the awareness about the Act is not only urban-centric, but reaches the illiterate rural masses as well.

- **Sabine Benzing-Balzer**, Project Coordinator, Right to Information Empowerment Programme, Public Affairs Centre.

WIDE ANGLE

Effectiveness of Institutions of Oversight & Accountability in East and South East Asia - A New Report from Transparency International

Transparency International (TI) has released a report investigating the health of those institutions on the front line of the fight against corruption in East and Southeast Asia. The *Regional Overview Report on National Integrity Systems in East and Southeast Asia* identified regional trends and best practices based on nine National Integrity System (NIS) Studies undertaken in the region in 2006, in Cambodia, China, Hong Kong, Japan, Korea, Philippines, Singapore, Thailand and Vietnam.

The report found that National Integrity Systems in the countries analysed have a number of inherent weaknesses. Societies with an effective NIS will perceive corruption as a 'high risk, low reward' endeavour, because those who engage in corrupt practices are likely to be caught and severely punished. The anti-corruption strategy within an effective NIS will focus on *preventing* corruption rather than simply investigating allegations after corruption has taken place. Conversely, a society with an ineffective NIS will perceive corruption as 'low risk and high reward'; the anti-corruption strategy will focus on investigating existing corruption rather than preventing it. Consequently corrupt offenders are unlikely to be uncovered and punished.

How have individual countries fared?

A Report Card!

	Average Governance Score (2005) <i>(Out of 100)</i>	2006 CPI Score <i>(Out of 10)</i>	Control of Corruption (WB Indicator) <i>(Out of 100)</i>
Singapore	85.98	9.4	99.0
Hong Kong	86.33	8.3	92.1
Japan	83.33	7.6	85.2
South Korea	70.18	5.1	62.1
Thailand	52.68	3.6	51.2
Philippines	41.46	2.5	36.5
China	35.56	3.3	30.5
Vietnam	34.33	2.6	26.6
Cambodia	20.11	2.1	8.9



■ Singapore and Hong Kong

The study found that the NIS in Singapore and Hong Kong are the most effective out of the nine societies examined in this report. According to the World Bank's six governance indicators, Hong Kong and Singapore have the highest average governance scores and they are the two least corrupt Asian societies according to Transparency International's (TI) 2006 CPI.

The Hong Kong study found that civil society groups like Civic Exchange can operate freely in Hong Kong, thus helping the territory to achieve a more inclusive type of governance. In contrast, the Singapore NIS study noted the lack of an active civil society and the relative weakness of the media, as well as strong political competition between parties and concluded that, Singapore has succeeded in containing corruption thanks to the political will of the ruling elites and a very sound anti-corruption framework.

Although former British colonies, both Hong Kong and Singapore have fought corruption by rejecting the British colonial method of depending on police authorities and relying instead on a single anti-corruption agency to lead anti-corruption efforts. On the other hand, both Singapore and Hong Kong have maintained the British meritocratic tradition in their Civil Service, first introduced by the British through the Public Service Commission (PSC).

■ Cambodia

At the other end, Cambodia's average governance score of 20.11 is the lowest among the nine countries. The NIS study of Cambodia found that corruption is 'so widespread and deep-rooted [that it] will take years of reform and restructuring of [the] existing systems'. Corruption has 'permeated almost every aspect of Cambodian life'. Many Cambodians have to pay bribes and informal fees for medical care, school grades, court verdicts, traffic "violations" and marriage and birth certificates. It is not surprising that 'the average Cambodian views most sectors of the economy as corrupt and public institutions [as] not transparent'.

■ Vietnam

In Vietnam, the adoption of the doi moi mixed-market reforms in 1986 led to an escalation of corruption. The Communist Party of Vietnam (CPV) identified corruption as a major threat to its survival during the 10th Party Congress in April 2006. Most of the respondents in the 2005 Diagnostic Survey conducted by the Internal Affairs Committee of the Central Committee of the CPV ranked corruption as the most serious problem facing the country. The NIS study of Vietnam found that both petty and grand corruption are widespread. While the passage of

the first Anti-Corruption Law in late 2005 shifted the focus to corruption prevention and emphasised the role of civil society and the media, these institutions are currently ill-equipped to act as watchdogs.

■ Philippines

Despite efforts by the government and civil society corruption remains a serious problem in the Philippines. According to the recent country report, the NIS in the Philippines faces two major problems. Firstly, legislation tends to under-legislate (as in the lack of protection for whistleblowers) or over-legislate (like, for instance, in government regulations). The second problem is 'more disturbing': the study found that all the integrity pillars are 'tainted by internal corruption and are therefore heavily compromised', 'unable to perform their functions and operate effectively'. For example, the constitutional commissions are not independent, the public procurement system is plagued with misappropriation problems, and 'there is ... a need to improve enforcement by prosecuting and convicting "big fish" rather than "small fry"'.

■ China

China has shown marked signs of improvement in addressing corruption in the past 10 years. Nevertheless, the recent analysis of China's NIS, shows that corruption remains at a 'comparatively severe level'. A recent OECD evaluation of China's efforts in fighting corruption found that 'despite significant efforts from the CPC and government leaders, corruption remains a serious problem for both citizens and businesses, particularly for foreign direct investment'. Many challenges must be overcome before corruption and bribery can be contained successfully; these include over-regulation, the failure of the legislature to provide oversight of other branches and weak judicial independence.

■ Thailand

In 1997, Thailand adopted the 'People's Constitution' along with a series of anti-corruption measures, including the formation of the National Counter Corruption Commission (NCCC) in November 1999. However, the report found that the positive effects of these measures have been eroded in the past five years through the influence exerted by former Prime Minister Thaksin Shinawatra. The NCCC also suffered a serious setback when its nine commissioners resigned in May 2005, having been found guilty by the Supreme Court of abusing their powers in August 2004 when they issued an executive decree to increase their salaries by 45,000 baht (US \$1,125). On a positive note, this episode shows that the NCCC members were not above the law and were held accountable for abuse of their powers.



■ South Korea

The South Korean government has demonstrated strong political will in curbing corruption. For example, President Kim Young Sam and President Kim Dae Jung both displayed tremendous political determination through the anti-corruption measures introduced during their respective terms of office. Kim Dae Jung's comprehensive anti-corruption strategy resulted in the enactment of the Anti-Corruption Act in July 2001 and the creation of the KICAC in January 2002. Civil society has also played an important role in fighting corruption in South Korea through the work of K-Pact. However, the NIS study of Korea concluded that corruption is still an issue. South Korea's CPI ranking was 22nd out of the 30 OECD member countries in 2005, and many Koreans believe their country faces high levels of corruption.

■ Japan

The regional overview report found the situation in Japan to be unique. There is little or no low-level corruption in the administration, but Japan suffers from a high degree of institutionalised corruption involving political leaders and business interests. The NIS study found that Japan has not demonstrated strong political will in fighting institutionalised corruption and corruption within the private sector. Its government has not assigned this task to any specialised agency. The Japanese government appears to be satisfied with maintaining the status quo.

Recommended Best Practices

The effectiveness of a society's NIS depends on the political will of its government in fighting corruption, its level of governance and its policy context. Singapore and Hong Kong have been successful due to their governments' strong commitment to fighting corruption, effective governance and favourable policy contexts. On the other hand, countries such as Cambodia and Vietnam have faced more obstacles.

The report proposed that countries could improve the effectiveness of their NIS by adopting three best practices:

- Political will to curb corruption should be combined with a single independent anti-corruption agency. Singapore, Hong Kong, Thailand and South Korea have relied on a single independent anti-corruption agency as a key instrument of their anti-corruption strategies. The CPIB in Singapore and the ICAC in Hong Kong have been bolstered by demonstrations of strong political will to fight corruption in the form of comprehensive anti-corruption laws and adequate staff and

budgets. Multiple agencies tend to foster lack of coordination and division of limited resources among competing agencies.

- Secondly, a strong civil society should mobilise other sectors to fight corruption. Coalition-building can be especially useful. South Korea, the Philippines and Thailand have been particularly successful in this regard.
- As widespread corruption cannot be solved overnight, a sectoral approach should be used. The sectoral approach recommends a road map for addressing corruption in the most critical sectors requiring urgent reform. Thus, instead of attempting to eliminate corruption entirely, countries can channel scarce resources to those sectors that are in need of reform first.

(For more information on the study and to download country reports, please visit http://www.transparency.org/news_room/in_focus/2007/nis_in_east_and_southeast_asia#intro)

EVENTS

Open House programme on Right to Information Act, 2005

Penalties have to be strictly enforced on Public Information Officers (PIOs), who fail to provide information, or furnish false or incomplete information under the Right to Information (RTI) Act 2005. This was the strong message voiced by civil society activists at an "Open House" organized on the "Right to Information Act 2005: Appeals and Complaints Process".

The "Open House" was jointly organized by KRIA KATTE (Karnataka Right to Information Activists' Forum), Public Affairs Centre and CIVIC Bangalore. Mr. P.B. Mahishi, Chief Secretary to the Govt. of Karnataka, Mr. K.K. Mishra, former Chief Secretary and Chief Information Commissioner, Karnataka and Mr. K.A. Thippeswamy, State Information Commissioner, were the Chief Guests. Dr. Samuel Paul, Chairman, Public Affairs Centre, presided over the programme. A number of activists, and members of RWAs and NGOs actively participated in this programme.

The main objective of this Open House programme was to highlight and resolve the problems citizens were facing in accessing information under RTI 2005 especially with regard to the Appeals and Complaints process.



Mr. Anil Kumar, Convenor of KRIA KATTE, presented some statistics on the number of appeals and complaints received and processed by the Karnataka Information Commission (KIC). It was clear that undue delays, non-furnishing of correct or incomplete information by the PIOs of various departments were major reasons for appeals and complaints from the public. A few activists presented their cases as illustrative examples to the audience. This was followed by a lively discussion on the issues raised.

Mr. Mishra strongly favoured giving more teeth to the RTI Act 2005 and urged the Government to amend it so as to empower the commission to initiate contempt of court proceedings. This would have a salutary effect and solve the problem of non-compliance of the commission's orders. The Chief Secretary was appreciative of the initiative taken by the Commission for acting beyond its powers to make information available to the public.

Intensive Revision of the Voters list in Karnataka, 2006-07 – PAC's Information Dissemination efforts

The Election Commission of India ordered for an intensive revision of electoral rolls in 46 assembly constituencies of Karnataka. The voters' lists were revised through house-to-house verification by enumerators from 01.01.2007 to 31.01.2007 (with reference to 01.01.2007 as the qualifying date).

PAC has been supplementing the publicity measures taken up by Bangalore Mahanagara Palike (BMP) as well as Election Commission of India (ECI) during the time of revisions in the past. In fact there were many enquiries from the public to obtain information regarding the revisions. It was noticed that except for a one-time advertisement in the leading dailies, there were no other form of publicity measures taken up by the authorities even after two weeks of commencing the process.

To address this gap, PAC quickly put together information regarding the schedule of the event, procedures for inclusions/deletions/corrections etc and contacts of the concerned offices and their helpline numbers. This information was disseminated to hundreds of people through mass emails. The message was also forwarded to many email-groups, which in turn have sent it to their other contacts.

Seventh Public Affairs Lecture

The Honorable Lok Ayukta (Ombudsman) of Karnataka State, Justice N Santhosh Hegde delivered the seventh Annual Public Affairs Lecture on "**Lokayukta and Good Governance**" on 30th March 2007 in Bangalore. A notable thrust of the lecture was a call for more active participation from the civil society. Justice Santosh Hegde stressed that citizens need to be vigilant on issues of corruption. Since the Lok Ayukta does not have suo moto powers to take action against corrupt officials, the public needs to complain to his office so that suitable punitive action can be taken against the erring officials. He is also seeking these powers so that his department can be more effective in preventing corruption. He gave several examples of building violations and misuse of land use where action could be taken only if vigilant citizens alerted his department.

After the annual lecture by the Honorable Lok Ayukta, Mr. Prasad Chandran, Chairman BASF Group of Companies made a brief presentation on the initiative taken by his organisation to fight corruption in the corporate sector. This was followed by a lively discussion hour where the citizens sought a number of clarifications from Justice Santosh Hegde.



Justice Santhosh Hegde delivering the 7th PAC lecture

Following the lecture, Justice Hegde launched an innovative campaign to fight corruption. Badges with the message – "**I will not give or take bribes**" made by the 'Coalition Against Corruption' (CAC) were pinned on a few citizens by the Lok Ayukta, the Chairman of Public Affairs Centre Dr. Samuel Paul and Mr. Prasad Chandran, Chairman of the BASF Group of Companies, as a symbolic gesture.



(Continued from page 4)

Progress and Achievements

Though the general tendency of the citizens is to refrain from complaining in anticipation of repercussions, as many as 30 cases have been registered and more than 500 calls have been received on the helpline (till the end of Jan 2007). Nearly 36% of the cases have been resolved successfully and the rest are at various stages of resolution.

CAC has played a pivotal role in resolving a wide range of cases such as obtaining khata (land registration) certificates, sale deeds, wrong assessment of house tax, overcharging of electricity bills, illegal tree cutting, change of land use, and non-payment of allowances. But the biggest achievement so far has been to unearth a major case in which hundreds of apartment owners were issued an illegal notice of undervaluation by a sub-registrar. Following the registration of complaint, the CAC brought it to the notice of the State Revenue Department Secretary. The concerned sub registrar was suspended and the property owners were asked to ignore the notices.

Future plans

- CAC intends to intensify the publicity measures for its helpline and there by encourage more and more citizens to register complaint against corrupt officials
- CAC plans to improve its access to the public by opening zonal complaint registration centres so that people are not required to commute much for registering complaints
- CAC will focus on specific corruption-related issues that are affecting large sections of the society.
- CAC plans to bring out a brochure containing the contact information of vigilance officers and

other useful helpline numbers of various departments for assisting people.

- CAC will be organizing awareness programmes in various wards of Bangalore in association with the local resident welfare associations.

For further details contact Ms. Poornima D.G. at programmes@pacindia.org

Harassed for Bribes? Hand out a 0 Rupee Note!

Fifth Pillar, a Chennai-based organisation, in its bid to fight corruption, has launched a novel "non-cooperation movement" to assist ordinary citizens who are being harassed for bribes. Whenever a government official seeks gratification for an otherwise free service, the otherwise helpless victim could now flaunt a unique zero rupee note and make his or her anti-bribe stance clear. Though designed like a Rupees 50 note with all details including Mahatma Gandhi's picture printed on one side, the note displays in place of the RBI Governor's promise the words "I promise to neither accept nor give bribe."

Fifth Pillar hopes to popularize this innovative campaign through schools, colleges and youth movements.

(More about this initiative from <http://www.5thpillar.org/news.html>)



"Encourage, Enable and Empower Every Citizen of India to Eliminate Corruption at All Levels of Society"

"சமுதாயத்தின் அனைத்து தரப்பிலிருந்தும் லஞ்சம் மற்றும் ஊழலை அறவே ஒழிக்க ஒவ்வொரு இந்திய குடிமகனுக்கும் ஊக்கமளித்து சாத்தியப்படுத்தி அதிசாரம் அளிப்போம்"



5th PILLAR

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Public Affairs Centre (PAC) is a non-profit, non-governmental organisation committed to improving the quality of Governance in India. Towards this end PAC undertakes research studies, provides citizen action support and advisory services, and facilitates networking for the creation of sustainable fora.

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