

**INDIAN NGOs' INITIATIVES FOR MOBILISATION & EMPOWERMENT OF
CIVIL SOCIETY FOR ENSURING GOOD GOVERNANCE WITH
TRANSPARENCY, MORAL INTEGRITY AND ACCOUNTABILITY**

**BY
S.D. SHARMA
Vice Chairman, Transparency International India
& Working Chairman, Lok Sevak Sangh**

Lajpat Bhawan, Lajpat Nagar IV, New Delhi - 110024

Fax : 91-11-4638899

Tel : Off : 91-11-6224711

91-11-6460825

Res : 91-11-4602748

91-11-4652104

E-mail : tindia@ndf.vsnl.net.in

rsbansal@del2.vsnl.net.in

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I. INTRODUCTORY

1. India, with about five thousand years of civilisation and known history, is the largest democracy of the world, with a population of 980 millions and an electorate with adult franchise of about 600 millions. India, despite all divisions and differences of religion, caste, language, ethnicity and culture, and despite its poverty and illiteracy, subscribes to and believes in Democracy, both as a system of government and a way of life. However, our democracy is still nascent and we have a long way to go, though we have held 13 general elections during the last 50 years of our independence from alien rule. The edifice of Indian democracy rests on the following seven pillars or values to which our civil society, Government and Parliament fully subscribe, even though our actual performance may fall short of the standards we have set for ourselves -

1. Rule of Law and not of persons.
2. Independence of Judiciary with powers of judicial review.
3. Freedom of the press and electronic media.
4. Free, fair and timely elections.
5. Civil liberties, fundamental rights and human rights.
6. Citizens right to education, health, employment and religions freedom, with the State remaining Secular.
7. Social and economic justice, with equality of opportunity.

2. Our burgeoning population has tended to negate whatever significant advances we have made in agriculture and food production, in science and technology and trained technical man power, in higher education etc. Nevertheless, the gigantic and daunting tasks of tackling grinding poverty, unemployment, illiteracy, health, environment etc. are being addressed by our Union and State Governments and the Civil Services. Unfortunately, our efforts are often thwarted by all pervasive corruption in politics, bureaucracy and business.

There are few hundred genuine, competent and dedicated non-governmental organisations (NGOs) of voluntary workers, representing the Indian civil society and spread all over the country, who lend their cooperation and care, thrust and drive and provide personal touch and a human face to the national endeavour in social, political and economic spheres. In this paper we have briefly referred to a few such NGOs and their initiatives, apart from the work of our worn Lok Sevak Sangh and Transparency International India, who function jointly as well as severally.

4. We entirely subscribe to what John W. Gardner of USA says in “Citizen Action and How It Works In Common Cause” -

“Institutions don’t overhaul themselves. They find it painful. When an institution is in need of renewal, some one must shake it up. In the case of political institutions, the shake up must come from concerned citizens determined to bring the parties to life, determined to cut through organisational dry rot and revitalise ageing institutions.”

II. TEN POINT PROGRAMME FOR COMBATING POLITICAL CORRUPTION TO PROMOTE GOOD GOVERNANCE

1. Corruption is one of the principal threats to democracy, growth and equity. It distorts public services, deters investment, discriminates against the poor and destroys public confidence in democratic governments. "Corruption is equal to monopoly plus discretion minus accountability". Corruption is to be fought at all levels viz (high level corruption of elected representatives, civil services and private trade and industry).

2. Political corruption in high places is the mother of all corruptions. The Lok Sevak Sangh and Transparency International India have been jointly conducting relentless campaigns to control and eliminate political corruption in India because, unless this is done, there is no way of controlling corruption at the lower micro level. It has been aptly said that for cleaning a staircase, one has to begin at the top. Consequently, the Lok Sevak Sangh and Transparency International India have adopted the following ten-point programme which is being pursued vigorously with the support of other like-minded fraternal NGOs:-

(i) Appointment of Lok Pal (Federal Ombudsman) with authority to probe charges of corruption and/or abuse of authority against Members of Parliament and Ministers including the Prime Minister. Since the government and Parliament have failed to enact suitable law even after 30 years effort and, till such time that the government Ombudsman is appointed, LSS and TI India have in a bold initiative, constituted the People's Ombudsman Commission as described in their Press Release reproduced below, which has received wide public support and appreciation:

"The dilatory and vexatious manner in which our political leadership has handled the Lok Pal Bill, 1998, is simply appalling. The nation has waited for 30 years for the Lok Pal inspite of solemn commitments repeatedly made by all major political parties in their manifestos. Certain MPs have now declared that there is no need for any Lok Pal as they are covered under the Prevention of Corruption Act. It was only after the prevention of corruption act and the Indian Penal Code were found to be ineffective to curb political corruption that the Lok Pal Bill was mooted, introduced six times in the Lok Sabha but never allowed to be passed.

The Lok Sevak Sangh and Transparency International India, non-government, non-party organisations, comprising of freedom fighters, retired senior civil and defence officers NRIs and other concerned citizens, about one thousand, devoted to constructive work, corruption-free"

(ii) Compulsory Declaration of Assets by MPs and Ministers including the Prime Minister and other senior public functionaries; such declarations shall be accessible to the public and penalty shall be provided for non-declaration or false declarations.

(iii) Compulsory Audit of Political Parties' accounts.

(iv) Plugging loopholes in the law relating to defection i.e. crossing the floor by MPs and Members of State Legislatures (generally for office and/or money); such defectors must resign and seek a fresh mandate from their electorate.

- (v) Electoral Reforms to eliminate money power, muscle power, ministerial power and media power, which have often distorted the democratic process. Our detailed Recommendations now with the government shall be followed up with the new Parliament; a brief summary of our recommendations is reproduced in Appendix I.
- (vi) Expediting suitable legislation regarding Citizens Access to Information or Freedom of Information Act. We have studied similar enactments in USA, Canada, Sweden, etc. and have submitted our own recommendations, which shall be pursued as soon as the new government takes over by October end 1999.
- (vii) Forfeiture of ill-gotten wealth i.e. assets far in excess of known sources of income, of elected representatives and other senior government servants.
- (viii) Prevention of criminalisation of politics, by debarring at the threshold, individuals from contesting elections, who may have criminal antecedents in cases involving moral turpitude and where a law court may have framed charges.
- (ix) Formulation and monitoring the implementation of Codes of Conduct for Members of Parliament and Union Ministers. We are pursuing the adoption of such Codes on the lines of the Code drawn by up Lord Nolan Committee of U.K. (Appendix II), as also by our own late Mrs. Durgabai Deshmukh (Appendix III)
- (x) Enactment of suitable legislation for protection of 'Whistle Blowers' on the lines of the work done in this regard in USA and few other countries. Developing countries generally do not have such legislation. A brief note regarding National Whistle Blower Center, USA is given in Appendix IV.

III. CORRUPTION IN CIVIL SERVICES

1. The machinery to deal effectively with the corruption in the ranks of government servants at various levels has been strengthened by the statutory appointment of the Central Vigilance Commissioner in India. Wide powers have been given to him with independent functioning free from governmental interference. This has been brought about by a Supreme Court judgement in the well known Hawala (Foreign exchange) scandal case, involving several senior politicians and bureaucrats during the course of a Public Interest Litigation (PIL) filed by a fraternal NGO headed by crusading journalist Vineet Narain. While the politicians have gone scot free due to technical flaw in the evidence presented to the court, the Supreme Court judgement has resulted in arming the Central Vigilance Commissioner with sweeping powers to combat corruption in Civil Services.

2. The Law Commission of India, under the chairmanship of Justice B.P. Jeevan Reddy, former judge of the Supreme Court, have prepared a Bill providing for the Forfeiture of illegally acquired properties of public servants. If the fruits of corruption are denied to the corrupt, the tendency to engage in corruption will be drastically reduced. This landmark legislation will now come up before the next Parliament. All out efforts are being made, in close contact with the Law Commission of India, by the Lok Sevak Sangh and TI India to ensure that the bill during its passage in Parliament is not diluted or unduly delayed. The salient features of this important bill are given below:-

“It may be recalled that the Supreme Court in 1996 observed that a law providing for forfeiture of properties acquired by holders of public office by indulging in corrupt and illegal acts was a crying necessity. This decision is the moving force behind the law Commission’s proposal.

The Law Commission has observed that corruption is threatening the very security and safety of the State. In the Commission’s view, one of the essential requirements of good governance is the absence of corruption. The Commission has observed that the Prevention of Corruption Act and indeed the criminal justice system in India have failed to effectively deal with the canker of corruption, for, the number of prosecutions under the Prevention of Corruption Act is quite low and the high-ups are able to escape from the clutches of law due to long-drawn proceedings.

The Commission has noted that though there is a provision for forfeiture of properties under the Prevention of Corruption Act, nothing can be done unless a person is convicted under the Act. The Commission further notes that even under the Prevention of Money Laundering Bill, 1998, the confiscation of proceeds of crime is possible only after a person is convicted of an offence mentioned in the Schedule. The Schedule to this Bill does not include the offence of possession of disproportionate assets.

In proposing a legislation for forfeiture of property of public servants, the Law Commission has relied on the scheme of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (Popularly known as SAFEMA).

The legislation proposed by the Law Commission would reach not only properties of the public servants, but also assets or properties in the hands of relatives or associates of such public servants.

The proposed law contemplates issuance of a show cause notice to public servants believed to be holding or in possession of illegally acquired properties to explain and establish that those properties have been acquired by lawful means. The burden of proving this act is placed upon the public servant. The Competent Authority, namely, the Central Vigilance Commissioner and other Vigilance Commissioners, will have the power to call upon any public servant believed to be in possession of illegally acquired properties to disclose, by affidavit, the properties held by him, his relatives and associates. Refusal to disclose or a false disclosure entails punishment of imprisonment. Indeed, the contemplated law would make the very holding of or possession of illegally acquired properties an offence punishable with imprisonment, in addition to forfeiture of such properties.

The proposed Bill confers all necessary powers upon the Competent Authority. They include power to call upon a public servant to disclose the properties held by him, his relatives and associates, whether held in India or abroad. Power is also given to him to attach the properties of a public servant (his relatives and associates). The C.A. also has the power to call upon any authority to conduct necessary enquiry and investigation or conduct raid, inspection or survey and seizure. The very holding of illegally acquired properties is made a punishable offence with the result that the Competent Authority

can take proceedings for identifying and seizing the assets stashed abroad by corrupt public servants including ministers and MPs, both past and present.”

IV. CITIZENS ACCESS TO INFORMATION

1. The right of the citizen to demand information from the government departments, government undertakings, municipal and local-self government institutions and/or from any organisation which is substantially financed or controlled by government, is sought to be brought on the statute book in India and necessary legislation will be passed soon after parliamentary elections are over and a new government is installed. The citizen's right to information is the soul of transparency and, when conceded, will improve the quality and ethics of decision making by the authorities concerned.

2. Of the ten least corrupt countries in Transparency International's Corruption Perception Index, eight countries have good legislation in place for access to information. On the contrary, of the ten most corrupt countries in TI's corruption index, including India, Pakistan, China etc, not a single country has any legislation for Citizens Right to Information. The link between corruption and denial of governmental information is thus obvious.

3. We have studied carefully the citizens access to information legislation in USA, Canada, Sweden etc and also in one State of India, Goa, where a law for access to information has been enacted. We propose to ensure that an effective All India Legislation is soon put in place.

4. Mention must be made here of the commendable initiatives at the grass root level taken by Mazdoor Kissan Shakti Sangathan (MKSS) of Rajasthan, India. “The pivotal role of the right to information in empowering poor communities was highlighted dramatically by the pioneering work of the people's organisation, Mazdoor Kissan Shakti Sangathan (MKSS) in Rajasthan. Confronted with pervasive and unrelenting corruption in famine relief and rural development works, the organisation demanded and secured copies of muster rolls, bills and vouchers, and organised social audits of these works in village community public hearings. The astounding success of this village-level campaign in fact provided the essential spark for the national movement for right to information.

“This courageous initiative of the MKSS in Rajasthan highlighted the importance of right to information in the context of rural development programmes. These programmes are designed in theory to provide self-employment, wage employment, shelter and basic facilities to the poorest families in villages across the country. Repeated evaluations have shown that only a fraction of expenditures by central and state government on these poverty alleviation programmes actually reach those for whom these programmes are intended.”

V. PROMOTION OF MORAL AND ETHICAL EDUCATION IN INDIAN SCHOOLS INCLUDING EDUCATION FOR GOOD CITIZENSHIP AND DEMOCRACY.

1. A corruption-free leadership cannot arise from a corrupt citizenry. Therefore, we have to begin at the beginning. The Lok Sevak Sangh and TI India are now going ahead with the task of promoting, in the schools in Delhi (the capital of India), to begin with, Moral and

Ethical Education (not confined to any particular denominational religion), including education for good citizenship and democracy.

2. In this connection the following statement issued by the “Transparency for Growth Conference” by the Council of Presidents and Prime Ministers of the Americas (Carter Centre anti-corruption conference, USA), as recently as May 5, 1999 may please be noted -

“In closing, we want to emphasise the need for ethical values not only in government but in business, journalism, banking and indeed every walk of life. Perhaps most important are the messages we convey to our children through education in schools and churches, as it is they who will pay the price if we fail to act now to stem this ill.”

VI. MICRO LEVEL CORRUPTION : CITIZENS CHARTERS

Leaving aside the rich and the powerful, it is our sad experience that where ever a common man comes in contact with any government department or public utility, he is compelled to either pay a bribe or speed money or is subjected to harassment and inordinate delay. The LSS and TI India are engaged, in consultation with the Central Government Departments at Delhi, in preparing Citizen Charters detailing the services which the government department or public utility undertakes to render, the time frame for each such service, the government officer to be contacted and some fool-proof remedy open to the hapless citizen if the service, to which he is lawfully entitled, is not forthcoming. In this connection we have borrowed from the consumer protection systems now operating effectively in U.K.

VII. CODES OF CONDUCT OR ETHICS

The Lok Sevak Sangh and TI India are advocating the adoption of Code of Conduct or Ethics for the Ministers and MPs on the one hand and the Citizens on the other. In this context, Parliamentarians in India are being approached for adoption and implementation of the Code of Conduct prepared by Lord Nolan Committee and Mrs. Durgabai Deshmukh (Appendix II & III) Regarding the citizen, article 51A of the Constitution of Indian defines the Duties of the Indian Citizens, as in Appendix V. Regarding trade and industry, TATAS, the leading industrial house in India, have sent us a Code of Conduct adopted by their companies. We are approaching various Chambers of Commerce and Industry in India for their members to adopt and implement a Code similar to that of TATAS, vide Appendix VI.

VIII. PUBLIC INTEREST LITIGATION FOR THE REDRESS OF PUBLIC GRIEVANCES

1. One of the effective methods in India to seek legal remedy may be available, is to file before the High Court or the Supreme Court a Public Interest Petition praying that the Court after hearing the parties concerned may direct the Government to take necessary action to set matters right. Many cases of corruption in high places have been brought through public interest petitions before the forum of Supreme Court like the famous Jain Hawala case in which

several Ministers and other political leaders were arraigned for accepting monies from corrupt businessmen who sought undue favours from them. Another important PIL was filed before the Delhi High Court charging the former Prime Minister, Mr. P.V. Narasimha Rao and his cabinet colleagues, with bribing some Members of Parliament to secure their support in a No Confidence Motion against his Government. Relief in both cases was granted and the Central Bureau of Investigation was directed to proceed with speedy investigations and prosecution wherever evidence was forthcoming. Yet another example may be given of major corruption in the State of Bihar called Fooder Scam Case, involving the Chief Minister of that State and few other Ministers and Senior bureaucrats, being pursued through Public Interest petition before the State High Court at Patna. The foregoing senior public men and officers were arrested and remanded to judicial custody. All these cases are going on.

2. In this connection we like to mention the achievements of our fraternal NGO at Delhi, the Wekk known COMMON CAUSE as under:-

“COMMON CAUSE as a public interest organisation has to its credit a large number of public causes which have been taken up by it for redress of problems of the people. Almost four million pensioners benefited from three important decisions which the organisation secured from the Supreme Court some years ago, in relation to extension of liberalisation of pension, restoration of commutation of pension, and extension of the scheme of family pension. The important case relating to Delhi Municipal Corporation Property Tax, decided at its instance by the Supreme Court, helped to straighten out the problems of the levy and assessment of this tax. Writ petitions on various important issues have been filed by COMMON CAUSE in the Supreme Court and Delhi High Court. The Writ Petitions filed in the Supreme Court include, for instance, disruption of the work of courts by lawyers’ strikes, problems of accumulated backlog of cases in courts all over the country, malfunctioning of blood for transfusion purposes, challenging the pension being given to Members of Parliament, inadequacies in the implementation of Consumer Protection Act, problems arising from the accumulation of Non-performing Assets (NPAs) of Banks, the factum of hundreds of thousands of small investors having been defrauded by Finance Companies, and failure of the government machinery in fulfilling the constitutional requirements of spreading free and compulsory education for the children in the country.”

IX. MOBILISATION OF CIVIL SOCIETY FOR PARTICIPATORY DEMOCRACY - FORMATION OF CHAPTERS OF LOK SEVAK SANGH & TRANSPARENCY INTERNATIONAL INDIA AND PROMOTION OF CONCERNED CITIZENS COMMITTEES (CCCs)

1. For promoting the various projects and programmes initiated by Lok Sevak Sangh and TI India relating to corruption-free polity and good governance, with emphasis on Transparency, Moral integrity and Accountability, we are organising LSS/TI India Chapters in each State of the country. These chapters shall consist of social activists and senior public spirited citizens, not aligned to party politics or sectarian interests. Wherever dedicated NGOs of the type mentioned in this Paper are already functioning, we shall support them instead of

duplicating or creating another structure, and treat them as our associate fraternal partners in the same cause.

2. The LSS/TI India Central Office at Delhi, the capital of India, shall function as an Indian Citizens Resource Center, at the all-India level. Likewise the State Chapters will function as Citizens Resource Center in their respective States, in addition to their other functions. The need for Citizens Resource Centers was duly emphasised at the Conference of Chief Ministers of various States of India in early 1998, but implementation has been nil so far. Having studied the recommendations made at the aforesaid Chief Ministers' Conference we have decided to implement the same and are going ahead accordingly.

3. The Primary function of the Citizens Resource Centers shall be to educate the common Indian Citizen regarding his fundamental rights as enshrined in the Constitution of India, including his rights under the Universal Declaration of Human Rights, duly accepted and adopted by India. The Resource Centers shall also provide guidance to the common citizen regarding the remedies open to him when the aforesaid rights are violated including the violation of Citizens Charters. The Resource Centers shall provide information and do necessary documentation.

4. The State Chapters and / or associate partner NGOs shall in turn organise Concerned Citizens Committees in each District in their State. The office bearers of the State Chapters as well as the Concerned Citizens Committees shall not belong to any political party. The central office shall provide model constitutions to be adopted by the State Chapters and the Concerned Citizens Committee. Each CCC shall also include educated women and youth. While the 73rd amendment to the Indian Constitution is being implemented for Panchayati Raj institutions at the village level, the 74th amendment providing for Ward Committees in urban areas remains a dead letter; hence the need for people's own initiatives by organising the Concerned Citizens Committees at the District level on which shall serve Representatives from each Ward also.

5. The duties and functions of the Concerned Citizens Committees at the District level are summarised below (this list is only illustrative and not exhaustive) :-

- (a) To maintain continuing dialogue between the elected representatives, and senior bureaucrats on the one hand and the electorate on the other, in order to foster accountability and promote participatory democracy.
- (b) To educate the citizen, not only about his fundamental rights but also about his fundamental duties as provided in Article 51-A of the Indian Constitution, as reproduced in Appendix -V.
- (c) To bring cases of corruption to the notice of Government authorities concerned and follow up such cases till remedial measures are taken and justice is done.
- (d) To ensure transparency in Government purchases of goods and services, to conduct social and economic audit of Government schemes and compliance of Accountant General / Auditor General Reports relating to transactions affecting them in their respective Districts.

- (e) To ensure compliance of Codes of Conduct for elected representatives, government servants and trade and industry.
- (f) To ensure compliance of Citizens Charter for Government Departments and Undertakings.
- (g) To function as People's Ombudsmen for major departments and undertakings dealing with the public in their area.
- (h) VOTERS EDUCATION - to educate the voter regarding his rights and responsibilities on non-party lines. To collect reliable data regarding candidates contesting various elections and disseminate the same among the voters, to enable them to make informed choice, rising above communal, caste and sectarian considerations.
- (i) To ensure cooperation and participation of the people in all plans and programmes launched by government and other agencies concerned, for compulsory education, health care, employment, environment, population control etc., for a better life of the people in their District, particularly for the poor and the needy.

6. To begin with, LSS & TI India will organise 13 District level Concerned Citizens Committees (nine in National Capital Territory of Delhi and two each in the adjoining States of Haryana and Uttar Pradesh) in Northern India and about the same number in a State of South India, to serve as models for empowering civil society for participatory democracy.

X. FRATERNAL LIKE-MINDED NGOS

1. Brief references have been made in foregoing text to the following fraternal, like-minded NGOs, functioning in Northern India:-

- (i) COMMON CAUSE, New Delhi
- (ii) KALCHAKRA - Vineet Narain of Hawala case, New Delhi
- (iii) Mazdoor Kisan Shakti Sanghtan (MKSS), Rajasthan

2. Special mention must also be made from South and Western India of the following NGOs -

- (i) PUBLIC AFFAIRS CENTER, Bangalore - They have done commendable work for the CRCP (Choose the Right Councillor Programme) for Bangalore Municipal Corporation on the basis of Report Card System. Their object was two fold - " One, to make the electoral process more transparent so that the electorate can make an informed choice and two, to create a demand within the civil society to mobilise opinion and action to re-vitalise the polity and society". This programme is now being projected for implementation on a much wider scale by many NGOs in their respective regions, who are not aligned to any political party or sectoral group and are therefore considered more credible in the eyes of the voters.

- (ii) LOK SATTA, (meaning Power to the People), Hyderabad, headed by Dr. Jayaprakash Narayan. Brief description of this dynamic organisation is : Lok Satta is a non-partisan movement for democratic reform. It is a registered society whose structure and functioning wholly democratic. Membership is open and available to all Indians. Lok Satta has district branches and people's neighbourhood units spread all over Andhra Pradesh. There are nearly 100,000 members of Lok Satta in the State, and millions of supporters and sympathisers. The movement is aimed at - (1) Swarajya Movement, based on collective and informed assertion to obtain better public services and to make public servants accountable to people, who are the true sovereigns. (2) Movement for immediate governance reform goals at the State level, including a Citizen's Charter, Freedom of information, Empowerment of local governments and direct empowerment of citizens as stake-holders. (3) Media campaigns through press, television and radio on specific democratic reforms and promotion of public awareness of their relevance to citizens' lives. (4) Research and documentation of all facets of governance. (5) a series of national consultations and working groups for building a consensus on governance reforms; networking with like-minded individuals and institutions, with a view to building a national platform of reforms; and (6) Election Watch programme for promotion of Voter Awareness, and improvement of quality of elections.
- (iii) A DIFFERENT INDIA - National Coordination Center c/o the Humanist Movement, Mumbai (Bombay). Very briefly - "It is a common platform with the active participation of thousands of individuals and groups at the national level. The groups retain their identity, their voice and unique qualities. All of them believe that India can be different if we are not indifferent. The platform is meant to help participants enhance and further their unique proposals and activities to more people and groups. The members reject all forms of pain and suffering, violence and discrimination, and want to do something about it. A Different India have launched a Nation-wide campaign for collecting one million signatures for presenting People's Agenda to be presented to the new Parliament.

XI. THE ROLE OF NGOs AND SATYAGRAHA

1. Civilisations have sometimes crumbled, governments have fallen and leaders have sometimes robbed their own people and fled with the booty to foreign lands - all because of the incapacity of the people at large to assert their will and resist the evil of corruption and arrogance of power. This can best be done by NGOs, who are not aligned with any political party or sectoral interests, nor are interested in political power or position for themselves. They have to exercise selfless vigilance, which is the price of liberty, and taking purposeful action. The office bearers and managing committee members of such NGOs have to practice in their own lives what they preach to others. Under all circumstances they have to be above board and also appear to be so.

2. Situations can arise, particularly in developing countries and nascent democracies, when the protecting hedge starts eating the crop, when elected leaders become corrupt and start abusing authority for themselves or for their favourites, when no legal remedy is available, when public opinion is unable to assert itself and finds itself helpless, when the required laws are either not enacted or, if enacted, are not honestly implemented. What then are the people to do? In such situations the matchless remedy bequeathed to humanity by the father of the Indian Nation, Mahatma Gandhi is Satyagraha (“insistence on truth by self-suffering”) to be undertaken by the office bearers and concerned members of the NGOs and Citizens Committees, without any violence, hatred or ill-will against the wrong doers - and that this remedy of Satyagraha is available to the selfless citizens even if they may be very few, pitted against the whole world if need be.

APPENDIX - I

SUMMARY OF RECOMMENDATIONS FOR ELECTORAL REFORMS

1. Every candidate standing for election to Parliament or Provincial Legislature must conform to certain minimum qualifications and standards viz.-
 - A. The candidate shall have passed the graduate academic examination in Arts or Science, Commerce, Law, Engineering, Medicine, etc. from a recognised University of College or hold equivalent educational qualification.
 - B. There shall be no final demand of Income Tax, Sales Tax or any other Statutory liabilities to governmental organisations, Scheduled Banks, etc., outstanding against the candidate.
 - C. There shall be no criminal case pending against the candidate involving moral turpitude, in which a law court may have taken cognisance and framed a charge-sheet, on the date of filing the nomination paper nor shall he have been convicted of any such offence or any offence under the Prevention of Corruption Act, during the six years prior to his seeking election. The candidate shall not have been indicated by any judicial Commission of Enquiry or held guilty of corrupt practice under the Representation of People Act, during the six years prior to his filing nomination.
 - D. He shall not have been held guilty of defection (floor crossing) during the six years prior to his filing the nomination paper.
 - E. The candidate's age shall not be more than 70 years at the time of filing his nomination paper. He shall not stand for election from more than one constituency.
 - F. If a new entrant, the candidate shall have rendered at least one year's constructive public service of a verifiable nature, in social, educational, cultural or political field.
 - G. These minimum qualifications and norms shall be applicable to candidates for all Legislatures including the nominated members. If contesting for the Rajya Sabha (Upper House), the candidate shall be a bonafide resident of the State concerned.
2. While filing nominations for election, the candidates must disclose all details regarding (a) their income, assets and liabilities, (b) pending and/or decided civil & criminal cases against them in law courts and (c) other particulars in the prescribed proforma, failing which their nomination papers to be rejected.
3. Political Parties and Candidates to comply and conform to the Code of Conduct; Statutory effect to be given to the Code as applicable to the Party in Power to prevent mis-use of office to influence elections.
4. Political Parties to maintain accounts, which should be compulsorily audited by Accountants appointed by the election Commission and the Audit Reports to be accessible to the Public.

5. State Funding of elections in kind for candidates of recognised political parties and candidates.
6. Corporate Sector to be barred from contributing to political parties and candidates.
7. Individuals may donate to Party funds and/or to candidates subject however to realistic ceilings on such donations.
8. Funds from foreign countries or foreign sources for elections purposes & propaganda to be completely barred.
9. State to take adequate steps to prevent violence, impersonation and intimidation during elections.
10. Governments should step down three months before the elections which should be held under a neutral, non-political administration.
11. All Members of Parliament & Provincial Legislatures to declare their assets every year and such declarations to be accessible to the public.
12. Defections or Floor Crossings to be barred; elected members wishing to change their Party must resign and seek fresh mandate from their electorate.
13. Right of Re-call to vest in the electorate subject to strict rules to avoid perpetual elections.
14. Referendum to be conducted by Government on vital matters of policy not covered in their Party manifesto or clearly inconsistent with it.
15. Parliamentary Ombudsman or Lok Pal to be appointed for investigation of complaints regarding corruption, bribery or abuse of authority by Members of Parliament and Ministers including the Prime Minister, and Ombudsman's findings to be respected by the Government & Parliament.
16. Elected parliament to continue for its full statutory term; Government may be changed by either a constructive vote of no-confidence (German System) or by the entire House electing the Prime Minister to form the Government.
17. Election to be valid should have at least 33% of the total registered voters in a constituency voting in the poll; the top-most two candidates in the first poll to go in for re-poll, so that the final winning candidate represents at least 50% or more of the valid votes polled.

Draft Code of Conduct for Members of Parliament

(Nolan Committee, UK, 1995)

General Principles- It is personal responsibility of every Member of Parliament to maintain those standards of conduct which the House and the electorate are entitled to expect, to protect the good name of Parliament and to advance the public interest.

Members should observe those general principles of conduct which apply to all people in public life. These are set out herein and should be incorporated into the final code.

The primary duty of Members is to their country and their constituents. They should undertake no actions in Parliament which conflict with that duty.

Because Members of Parliament enjoy certain privileges in law, which exist to enable them to fulfil their responsibilities to the citizens they represent, each Member has a particular personal responsibility to comply fully with all resolutions and conventions of the House relating to matters of conduct, and when in doubt to seek advice.

Final Interests - A Member must not promote any matter in Parliament in return for payment.

A Member who has a financial interest, direct or indirect, must declare that interest in the currently approved manner when speaking in the House or in Committee, or otherwise taking part in Parliamentary proceedings, or approaching Ministers, civil servants or public bodies on a matter connected with that interest.

Where, in the pursuit of a Member's Parliamentary duties, the existence of a personal financial interest is likely to give rise to a conflict with the public interest, the Member has a personal responsibility to resolve that conflict either by disposing of the interest or by standing aside from the public business in question.

In any dealing with or on behalf of an organisation with whom a financial relationship exists, a Member must always bear in mind the overriding responsibility which exists to constituents and to the national interest. This is particularly important in respect of activities which may not be a matter of public record, such as informal meetings and functions.

In fulfilling the requirements on declaration and registration of interests and remuneration, and depositing of contracts, a Member must have regard to the purpose of those requirements and must comply fully with them, both in letter and spirit.

THE SEVEN PRINCIPLES OF LIFE

Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefit for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holder of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

APPENDIX - III

**GUIDELINES PROPOSED BY MRS. DURGABAI DESHMUKH
FOR CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT.**

- (i) A member should not try to secure business from the government for a firm, company or organisation with which he is directly or indirectly concerned.
- (ii) A member should not give certificates which are not based on facts.
- (iii) A member should not make profit out of a government residence allotted to him by subletting the premises.
- (iv) A member should not unduly influence government officers or the ministers in a case in which he is interested financially either directly or indirectly.
- (v) A member should not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him.
- (vi) A member should not proceed to take action on behalf of his constituencies on some insufficient or baseless facts.
- (vii) A member should not permit himself to be used as a ready supporter of anybody's grievances or complaints.
- (viii) A member should not endorse incorrect certificates on bills claiming amounts due to him.
- (ix) A member should not write recommendatory letters or speak to government officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

APPENDIX - IV

NATIONAL WHISTLE BLOWER CENTER, U.S.A.

The National Whistleblower Center (NWC) is a nonprofit, tax-exempt educational and advocacy organization committed to environmental protection, nuclear safety, civil rights, government accountability and protecting the rights of employee whistle blowers. Established in 1988, the NWC has successfully established many of the most important precedents protecting employee whistle blowers throughout the United States and has revolutionized the protection afforded them.

The NWC's advocacy record is unparalleled. The NWC has won the landmark federal Constitutional case, *Sanjour v. EPA*, enlarging the rights of all federal employees to publicly "blow the whistle" on misconduct within their own agencies and eliminating "gas orders" and travel restrictions placed on whistle blowers; caused numerous Notices of Violations as well as hundreds of thousand of dollars in civil penalties to be issued by the Nuclear Regulatory Commission against operators of nuclear plants; set national precedent prohibiting the use of restrictive settlements or other "hush money" type payments in all environmentally sensitive industries (including the nuclear power and nuclear weapons industries); and, for the first time extended the whistle blower protection of the federal environmental statutes to EPA employees.

The goal of the NWC is to support precedent setting litigation on behalf of employee whistle blowers, provide referrals for counsel to whistle blowers Nation-wide and to educate the public about the rights of employees to make disclosures regarding nuclear safety, corporate or government misconduct, environmental protection or health and safety violations.

The National Whistle blower Center along with our sister organization. The National Whistle blower Legal Defense and Education Fund, operate a number of programs, many of which are highlighted in this Web site.

National Whistle blower Center
3238 P Street, NW
Washington, DC 20007
Phone : (202) 342-1902
Fax: (202) 432-1904 or 6984
Email: whistle@whistleblowers.org

APPENDIX - V

FUNDAMENTAL DUTIES OF AN INDIAN CITIZEN
(Article 51A of the Constitution)

It shall be the duty of every citizen of India -

- (a) to abide by the constitution and respect its ideal and institutions, the National Flag and the national anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom.
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence; and
- (j) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement”.

APPENDIX - VI

TATA COMPANIES SIGN CODE OF CONDUCT

The Lok Sevak Sangh & Transparency International India earnestly commend this Tata's Code of Business Ethics for adoption and implementation by all our business firms and corporate sector.

The country's leading industrial group, the House of Tata, last week notched another milestone in its pioneering history by formally adopting a Tata Code of Conduct in seven of its major companies. In a short and sober ceremony on December 18, Mr. R.N. Tata, Chairman, Tata Sons, signed the Code with Tisco, Telco, Tata Tea, Tata Chemicals, Tata Electronic Companies, Tata International and Tata Industries. A similar agreement was also signed with the divisions of Tata sons. Together, these companies, and divisions represented 66% of the group's turnover in 1997-98.

Speaking on the occasion, Mr. Tata underlined the importance of the event by declaring: "Of all the various initiatives that we have undertaken in recent years, the development of this Code is perhaps the most significant". Referring to the trust enjoyed by the Group among its stakeholders and in the community, Mr. Tata added: "The formalisation of a Code of Conduct is a testament to the value we attach to this asset and our determination to aid in every way our companies and employees to understand where their duties lie in any situation."

The adoption to the Code renews the Tata commitment to the values of excellence and leadership with the objective of delivering maximum value to all the stakeholders. This commitment is central to the Group's resolve to face the challenges of the emerging era of global competitiveness. By codifying and clarifying the values to which the Group formally commits itself to, the Code is giving to its companies and its staff the clarity of purpose required to deal with an environment in which the only certainty is change and speed of action is essential in dealing with the process of change.

CODE OF CONDUCT

The Tata code of Conduct is in two parts: for the company, and for the employees. The Code enjoins the signee companies to:

- To supply goods and services of the highest quality standards to ensure the total satisfaction of customers.
- To engage only in activities beneficial to the national interest of the country they operate in;
- To be fully transparent in accounting and financial reporting standards;
- To fully strive for the establishment and support of a competitive open market economy and to abhor unfair trade practices;
- To be equal opportunity employers;

- To neither give nor take any illegal payment, remuneration, gift, donation or comparable benefit to obtain business or favours;
- To not give any donation to any government agency or its representatives to obtain any favourable performance of official duties.
- To not support any specific political party or candidate for political office.
- To comply with all regulations regarding the prevention of the environment.
- To be a good corporate citizen, and to actively assist in the improvement of the quality of life of the community with the objective of making it self-reliant. These social activities are regarded as an integral part of their business plants, and not as an optional part.
- To cooperate and share physical, human and management resources with other Tata companies so long as this does not adversely affect its business interests and shareholder value.

THE CODE ENJOINS TATA EMPLOYEES TO:

- Conduct themselves professionally with professionalism, honesty, integrity as well as high moral and ethical standards and to be fair and transparent and to be seen so by third parties;
- Not derive any benefit from any information about the Company or Group which constitutes inside information;
- Report to the management any actual or possible violation of the Code or an event that the employee becomes aware of that could affect the business or reputation of the employee's Company or any other Tata Company;
- Permits employees to pursue an active role in civic or political affairs as long as it does not affect the business or interests of the Company or the Group.
