

National Seminar

On

Transparency and Disclosure

(29-30 May, 2013)

(Note about Concept Paper)



Centre for

People's Participation, Transparency & Accountability

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Transparency and Disclosure

“The great democratizing power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Our task... is to make that change real for those in needs, wherever they may be. With information on our side, with knowledge a potential for all, the path to poverty can be reversed.” -

Kofi Annan, Secretary-General, United Nations

1. General

Of all known forms of Government Democracy is perhaps the best which can command the respect and trust of maximum people. Primarily based on people's participation; direct and indirect, it can boast of being owned by the general masses. Being based on rule of law, implying equality before the law, it is the most objective government; at least in theory. By nature men want to remain free, therefore ideal state of human evolution is '**State of Statelessness and Lawlessness**'. Essentially the apparatus of State/ Government is regulatory in nature and implies the incompleteness of human evolution, as we still need regulation, coercion and forced measures to keep ourselves in discipline.

Because people's participation in all spheres of governance lies in the core of the idea of democracy, therefore democratic form of government to succeed and to out sign all forms of government, has to find out ways and means to ensure maximum participation of maximum persons in its maximum affairs. Because of the sheer number of people and huge geographical sizes of various nation states, there are limitations of direct participation of all adult members in all affairs of governance, hence indirect participation is the right solution. Thus adult franchise, right to vote, regular elections to various legislative bodies, freedom of speech and expression are various forms of direct participation, where as legislation and budget approval by legislative bodies and discharge of the affairs of government by the elected executive functionaries, including the head of the State, Council of Ministers and other elected executive bodies are the indirect form of participation.



As political concepts all these exercises are ideal and on paper present a very rosy picture of democracy, but when it comes to real implementation and putting into practice all these concepts, there lies the catch. For the general masses, in a Nation State, to participate directly or indirectly in the governance, there has to be an environment and system of access to all vital information, openness and non-secrecy about the discussions between various authorities and functionaries at various levels, transparent and objective processes and procedures of executive actions including allocation of national resources, of state largesse and benevolence, of state honors, adjudication of disputes between conflicting interests and controversies, so that people can make informed choices about various issues and matters concerning them. Therefore maximum transparency in dealings of various organs and authorities of State, maximum disclosure of vital information affecting the informed choices of individuals, least and unavoidable opacity in the functioning of the government authorities and instrumentalities, are the critical and vital pre-requisites of people's participation in the affairs of the State.

Opacity has to be exception and not the general rule in a democratic form of governance. The principle of democratic and administrative accountability also necessitates the transparency and openness in governance. In a country so heterogeneous and so diverse as India is, with so many inherent racial, regional, religious and social biases, high level of illiteracy and semi- literacy coupled with poverty and deprivation, no system of governance can cater to the basic needs of maximum people unless it is optimally transparent and open.

Corruption in public life has become common issue dominating the agenda of governmental and social forums across the world. It has been considered to be a barrier in the process of socio-economic development. It can safely be generalized that in any country the effect of secrecy and discouragement to disclosure, reduce the transparency and people's participation in governance.

2. Paradigms of Transparency & Disclosure

- As a political concept democracy essentially implies inclusiveness in all spheres of governance; legislative, executive and Judicial. Unless there is effective transparency and disclosure, meaningful participation of general public in governance is not possible.
- Even and despite full transparency and Disclosure in legislation and budget approval, executive actions of State and its instruments are generally not carried out in transparent and open manners. Incidents recently witnessed and largely



debated in media and other forums; allotment of various national resources, appointment/ nomination to various commissions/ positions, grant/ sanction of various licences/ concessions/ privileges, purchase/ hiring by state, disposal of various stocks by state etc., have more than proved how brazenly the state and its instrumentalities generally take decisions having least regard to transparency and disclosure.

- Rights Approach towards Transparency & Disclosure signifies that certain basic entitlements pertaining to quality of life, human dignity, fairness & justice are elementary for human existence. Unless there is optimum transparency and disclosure, there can not be real and meaningful Human Rights.
- Development to be real and inclusive has to be participative; especially poverty alleviation programmes, to inculcate the feeling of fairness, justice, ownership and accountability in the general masses. Racial, regional and gender based disparities may best be removed through a development process /agenda which is inclusive, based on transparency and disclosure. In recent times the corporate greed witnessed and resulting in worldwide recession, is the result of opacity in various domains, processes and programmes run by state, its instruments and corporates.
- For a typical society that India is, based on so many inherent biases, graded inequality and exclusion, transparency is all the more necessary. With the extent of illiteracy, language barriers and urban-rural divide, inclusiveness can happen only if there is optimum disclosure and transparency in various fields of governance and financial business by state and corporates, in a language which can be comprehended by general masses. Putting the information in a complex language which the people can not understand and comprehend, amounts to denial and deprivation.
- Fairness and justness of executive actions can best be enforced in a free, affordable and transparent justice delivery systems. Apart from the Judiciary, the government and its various authorities exercise considerable quasi-judicial powers through various tribunals, commissions, regulatory bodies and executive authorities. Therefore openness in their functioning and execution of their decisions is as essential as the functioning of independent judiciary. More over unless the procedures and processes followed by these judicial and quasi-judicial authorities are open, transparent and affordable, they can not result in accessibility to common man. The delaytory and expensive procedures and processes may result in denial of access practically.



- The standard market theory of '**Caveat Emptor**' (Consumer Beware) is no longer sacrosanct in view of specialization in marketing skills, procedures, technology and stiff competition. Those fine prints on various financial instruments hide many times more than what they reveal. More over financially and technologically unsophisticated consumer, i.e. the common man, can not comprehend the inherent risks and consequences of those transactions unless explained in so many words and in a language which he/ she understands.
- Twentieth century has been of technological advancement especially in the field of communication and sharing of knowledge. The electronic revolution supported by Satellite technology, has transformed the universe into a single space unimaginably unified and seamless as regards flow of information and knowledge. It is the internet communication which caused the '**jasmine revolution**' in the middle-east and brought down mighty dictatorial and authoritative regimes in Tunisia, Egypt and Libya. The powerful search engines like Google, Yahoo and social media like Face Book, have broken down geographical and cultural barriers and made transparency and disclosure a matter of seconds. The website and other forms of public domain have reduced the herculean task of information sharing with general public to a click of button. The digitization has solved the problem of safe storage of information and records and their transmission from place to place. These are only few of the technological advancements which have made transparency and disclosure so easy, affordable and accessible. Technology being a continuous evolutionary process, we can legitimately hope that in coming near future, transparency and disclosure will become even simpler, realistic and cheaper.

3. The Seminar thus seeks

- To collect, document and share experiences of the most marginalized/ vulnerable individuals /groups /communities in the context of transparency and access to information.
- To identify gaps in the existing structure of transparency and disclosure, and the systems that needs to be put in place.
- To document best practices or strategies of proactive disclosure, and make the access to information people friendly.
- To contribute to the understanding of challenges faced by people, and the understanding of government officials about the pro-people approach of transparency and disclosure.



- To understand and reflect on the perspective behind the initiatives resulted due to people's movement and state's willingness, by analyzing the interlinked acts/ initiatives/ paradigms- pertaining to transparency and disclosure.

4. Focus of the Seminar

It is in this background that the DDU SIRDUP, Lucknow has decided to hold a National Seminar/ Workshop on various facets of '*Transparency and Disclosure*' in the affairs of State. The methodology proposed to be adopted is one of defining the concept in theory as well as application, diagnostic analysis enlisting the critical gaps and suggesting the required actions. Broad themes of discourse and papers are following:

- 1. Transparency & Disclosure and Democracy as a Political Concept**
- 2. Transparency & Disclosure and Governance**
- 3. Transparency & Disclosure and Human Rights**
- 4. Transparency & Disclosure and Development**
- 5. Transparency & Disclosure and Social Justice/Equality**
- 6. Transparency & Disclosure and Justice Delivery System**
- 7. Transparency & Disclosure and Consumer Protection**
- 8. Role of Technology in Transparency & Disclosure**

5. Broad Framework for the Paper

As the seminar attempts to understand the most critical aspects of the issues and hear different voices and viewpoints, the suggested structure of the papers may be:

- ✓ Name of specific Topic
- ✓ Executive Summary(150-200 words)
- ✓ Theoretical and Conceptual Frameworks



- ✓ History, Current Practices and Critical Gaps
- ✓ Challenges/ Barriers faced by marginalized/ identified beneficiaries, and exploring the ways to make the system more pro-people.
- ✓ Critical Analysis of the effectiveness of various Acts / Procedures / Approaches / Issues.
- ✓ Suggestions/Recommendations
- ✓ References, if any

6. Broad Outline for Preparing the Manuscript / Paper

- ✓ Typeface: 11-pt (Tahoma)
- ✓ Document Format: Word 97- 2003 Document and/or PDF
- ✓ Page Length: Approx. 20 Pages, including references, tables, figures, and appendices
- ✓ Use double-spacing between each line. Kindly note that, guidelines and the structure are suggestive, only to facilitate the author's writing process and content of the paper.

7. Deadline for Submission of Papers: 10th May, 2013

As an author, the individual(s) is ultimately responsible for the quality of all aspects of her/his paper including correct grammar and sentence structure, accurate spelling, proper punctuation, appropriate and correct citations and references, coherent organizations with relevant headings and subheadings, and proper formatting.

TA & DA as per government rules, local transport, boarding & lodging will be provided by the Institute to the best of its capacity. A symbolic honorarium of Rs. 5000/- (rupees five thousand) per paper will also be paid by the Institute.

UTTAR PRADESH District Map

Legend
 Districts: 75
 R: RIRD-17
 D: DIRD-33

