



Sensitisation & Empowerment

TAG

Monthly Magazine

Centre for Transparency & Accountability in Governance

NATIONAL LAW UNIVERSITY, DELHI

Our Mentors



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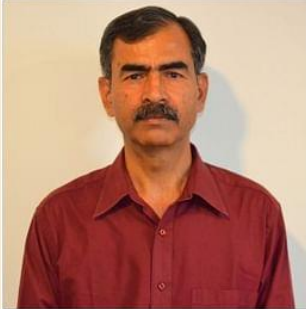
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FROM THE EDITORS-IN-CHIEF

Dear Reader,

We are thrilled to introduce you to our exciting new venture, "TAG" – Transparency and Accountability in Governance. TAG is not just a magazine; it's a bold initiative aimed at reshaping the discourse surrounding matters of governance, policy discussion, and accountability. ***Our motto, "SEE" – Sensitise, Empower, Enforce, encapsulates the essence of our mission and underscores the significance of our endeavour.***

At TAG, we firmly believe in the power of information and awareness to drive positive change in governance. Our aim is to Sensitise individuals and communities to the complexities of governance, making them aware of their rights and responsibilities. Through in-depth analysis, insightful articles, and thought-provoking editorials, TAG will serve as a beacon of knowledge and understanding, helping citizens engage more effectively with the political and administrative processes that shape their lives.

Empowerment is at the heart of our vision. We strive to Empower citizens by providing them with the tools, knowledge, and resources they need to actively participate in the decision-making process. We will feature success stories, best practices, and case studies from around the world to inspire individuals and communities to take action, drive change, and hold their governments accountable.

Enforcement of transparency and accountability is the cornerstone of any thriving democracy. At TAG, we are committed to highlighting instances of both exemplary and lacking governance practices. We will scrutinise policies, investigate irregularities, and foster a culture of vigilance. By shining a light on areas that demand improvement and celebrating achievements in transparency, we aim to Enforce a higher standard of governance across the board.

Our magazine will serve as a platform for open and constructive dialogue. We will bring together diverse voices, including experts, policymakers, activists, and concerned citizens, to engage in informed discussions and debates. TAG will be a trusted source of information that transcends political boundaries, fostering a united commitment to strengthening governance worldwide.

In a world where transparency and accountability are vital for the well-being of societies, TAG aspires to be a driving force behind positive change. We invite you to join us on this transformative journey, to contribute your insights, and to be part of a global community that believes in the power of SEE – Sensitise, Empower, Enforce.

Thank you for your support and enthusiasm. Together, we can make governance more transparent, accountable, and responsive to the needs of the people.

Sincerely,

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Column I-Expert's Comments

Electoral Bonds Affect Transparency & Accountability Of Political Parties With Regard To Political Funding

Maj Gen Anil Verma (Retd), Head of ADR

Electoral Bond is a financial instrument for making donations to political parties and was first pronounced by the Finance Minister in the Union Budget 2017-18. According to the Electoral Bond Scheme, 2018, the electoral bond is a bond issued in the nature of a promissory note, which shall be bearer in character. A bearer instrument is one, which does not carry the name of the buyer or payee, no ownership information is recorded and the holder of the instrument (i.e., political party) is presumed to be its owner.

The Scheme, which was notified on January 2, 2018, allows individuals (who are citizens of India) and domestic companies to donate these bonds — issued in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh, and Rs 1 crore — to political parties of their choice, which have to redeem them within 15 days. A person being an individual can buy bonds, either singly or jointly with other individuals. No limit exists on the number of electoral bonds that a person (including corporate entities) can purchase. The amount of bonds not encashed within the validity period of fifteen days shall be deposited by the authorised bank to the Prime Minister Relief Fund (PMRF).

Only those political parties which fulfil the following criteria are eligible to receive electoral bonds – (i) registered under section 29A of the Representation of the People Act, 1951 and (ii) secured not less than one per cent of the votes polled in the last general election to the House of the People or the Legislative Assembly, as the case may be. In accordance with the Electoral Bond Scheme, 2018, the section 29C of The Representation of the People Act, 1951 has been amended to remove the obligation of political parties to keep a record of the identity of donors who give any sum of money through Electoral Bonds or report the same to the Election Commission of India (ECI) annually.

2. Why is the Electoral Bond Scheme, 2018 arbitrary, unconstitutional and problematic?

a) The Finance Act 2017, which introduced the system of electoral bonds for the purpose of electoral funding, was passed as the Money Bill. The amendments brought through the Act do not require political parties to mention the names and addresses of those contributing by way of electoral bonds in their contribution reports filed with the Election Commission of India annually. This will have a major implication on transparency in political party finances and will fundamentally alter the perception around political donations.

b) Electoral bonds infringe on the citizen's fundamental 'Right to Know'. Such an unreasonable and irrational restriction on information at the cost of larger public interest is a severe blow to the very fundamentals of transparency and accountability. Making the political class even more unanswerable and unaccountable by withholding crucial public information goes against the very spirit of 'Democracy and the Rule of law'.

c) Moreover, while electoral bonds provide no details to the citizens, the said anonymity does not apply to the government of the day, which can always access the donor details by demanding the data from the State Bank of India (SBI). This implies that the only people in the dark about the source of these

donations are the taxpayers. It may also be noted that the printing of these bonds & SBI commission for facilitating the sale and purchase of the bonds is paid from the taxpayers' money by the central government.

d) An RTI application was filed with the Indian Security Press (ISP) to seek details of the total cost of printing electoral bonds; ISP denied disclosure of the information citing that the information would “adversely affect the economic interests of the country’ warranting protection under section 8(1)(a) of the RTI act. However, recently the CIC directed the ISP to provide the total cost of printing as well as the associated



Column II -Monthly Newsletter

DOMESTIC NEWS

How will the new Ordinance affect 'services' in Delhi?

The "Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023" has sparked significant controversy following the Supreme Court's May 11 ruling, which clarified the roles of the Delhi government and the Lieutenant Governor (LG). The Ordinance establishes a "National Capital Civil Service Authority (NCCSA)," granting it power over civil service officers in Delhi government departments, except those related to public order, police, and land. The NCCSA, chaired by the Chief Minister, could potentially veto the Chief Minister's decisions, deviating from the Supreme Court's vision of a "neutral civil service" under the Council of Ministers. This move has raised concerns about bureaucratic influence and accountability.

Furthermore, the Ordinance disregards the President's Transaction of Business Rules for Delhi and contravenes the court's emphasis on democratic accountability through the "triple chain of command." It asserts that Delhi's Legislative Assembly is constitutionally entrusted with legislative power, creating an "asymmetric federal model" for the city. However, the Ordinance reasserts the LG's authority over services, despite previous curtailments in 2018.

While the Centre argues that the Supreme Court recognizes Parliament's authority over Delhi, the court maintains that Delhi has legislative power to serve its residents' aspirations, operating as an "asymmetric federal model" within India's federal structure.

The Ordinance reinstates the LG's power to overrule NCCSA decisions, although the court had restricted this power to rare and specific circumstances.

The Ordinance may face judicial review if challenged, requiring the Union to justify its necessity. In the past, the court has cautioned against using Ordinances for political purposes, underscoring the need for a legitimate emergency.

This development raises concerns about the balance of power in Delhi and the potential for political influence over civil services. The Ordinance's fate will likely hinge on its justification in the context of the Supreme Court's recent ruling.

Source: <https://www.thehindu.com/news/cities/Delhi/explained-how-will-the-new-ordinance-affect-services-in-delhi/article66882134.ece>

Unemployment Allowance for youth by Karnataka government

The Karnataka government has formulated a scheme named *Yuva Nidhi* under which the government would be providing an unemployment allowance on a scaled basis. The unemployed youth who have completed their graduation and are unable to find employment for six months will be given an allowance of Rs 3000 per month whereas the unemployed diploma holders will be provided a monthly allowance of Rs 1500. They will be provided the allowance for a period of two years or till they secure job, whichever is earlier.

Earlier the Chhattisgarh government announced the unemployment allowance scheme on similar lines. Unemployment allowance is used a social security measure by the state to provide economic support for

the unemployed youth. It is the responsibility of a welfare state to lend a helping hand for every section of the society so that they can realise their potential and can contribute in the development of the nation.

Source: <https://indianexpress.com/article/cities/bangalore/unemployment-allowance-youth-december-karnataka-dy-cm-d-k-shivakumar-8912021/>

NITI Aayog Multidimensional Poverty Index

The latest National Multidimensional Poverty Index (MPI) released by Niti Aayog reveals significant progress in poverty reduction in India between 2015-16 and 2019-21. The MPI, an innovative measure of poverty, captures deprivations in health, education, and living standards. In this five-year period, approximately 13.5 crore people were lifted out of poverty.

Traditionally, poverty was assessed solely by income, but the MPI offers a more comprehensive perspective by considering multiple dimensions of poverty. It incorporates 12 indicators, including nutrition, child and adolescent mortality, maternal health, education, sanitation, and access to electricity, among others.

India's national MPI value has nearly halved, from 0.117 to 0.066, indicating significant improvement. The proportion of the population experiencing multidimensional poverty decreased from 24.85% to 14.96%. This reduction of 9.89 percentage points equates to around 135.5 million individuals escaping poverty.

The intensity of poverty, which measures the average deprivation among those in multidimensional poverty, also decreased. Rural areas saw a reduction from 32.59% to 19.28%, while urban areas reduced from 8.65% to 5.27%.

Uttar Pradesh, Bihar, and Madhya Pradesh witnessed the most substantial decline in the number of MPI poor individuals, with 3.43 crore, 2.25 crore, and 1.36 crore people escaping multidimensional poverty, respectively.

The report attributes this positive outcome to the government's targeted policies and development programs. Investments in education, nutrition, water, sanitation, electricity, and housing have played a pivotal role. Key government initiatives like Swachh Bharat Mission, Jal Jeevan Mission, and Pradhan Mantri Ujjwala Yojana have significantly contributed to this progress.

The findings from the National MPI align with the United Nations Development Programme's (UNDP) Global MPI report, which also highlighted substantial poverty reduction in India. This multidimensional approach to measuring poverty provides policymakers with a more comprehensive understanding of poverty in the country, allowing for a more effective response.

Overall, India's efforts to reduce multidimensional poverty have shown promising results, demonstrating significant progress in improving the well-being of its citizens and aligning with the Sustainable Development Goal of halving poverty by 2030.

Source: <https://niti.gov.in/sites/default/files/2023-07/National-Multidimensional-Poverty-Index-2023-Final-17th-July.pdf>

One Nation One Election

The Centre on 2nd September **set up a committee to examine various aspects, both legal and logistical**, for implementing the “one nation, one election” idea. The Law Ministry has outlined seven terms of reference for the eight-member panel headed by former President Ram Nath Kovind and

including Union Home Minister Amit Shah. One of the terms of reference is to examine if a constitutional amendment to facilitate simultaneous polls would have to be ratified by the states.

The central idea behind One nation, One election is to synchronize the timing of Lok Sabha and State Assembly elections across all States to reduce the frequency of polls throughout the country. This concept was the practice till 1967, but it was disrupted due to various reasons such as defections, dismissals, and dissolutions of government.

The cycle was first broken in 1959 after the Centre invoked Article 356 to dismiss the then-Kerala government. Subsequently, due to defections and counter-defections between parties, several Legislative Assemblies dissolved post-1960, which eventually led to separate polls for Lok Sabha and State Assemblies.

Currently, the assembly polls in the States of Arunachal Pradesh, Sikkim, Andhra Pradesh and Odisha are held together with the Lok Sabha elections. The idea of conducting simultaneous elections was advocated in 1999 by the Law Commission headed by BP Jeevan Reddy.

It can help in focused governance, continuity in policy decisions, reduced cost of elections, reduced deployment of security forces and also can curb the issues of other election related challenges like public transport, market restrictions, etc. However, the idea of one nation one election has also many challenges of feasibility as **Article 83(2) and 172 of the Constitution** stipulates that the tenure of Lok Sabha and State Assemblies respectively will last for five years unless dissolved earlier and there can be circumstances, as in Article 356, wherein assemblies can be dissolved earlier. So, there would be a requirement to dissolve state assemblies in order to bring their tenure in consonance with the tenure of the Lok Sabha. Also, there would be a challenge against the idea of federalism as there will be an overlap of local issues and national issues and leading to a confusion among the minds of the voters.

Source- *“The Desirability of One Nation One Election in India: Simultaneous Elections in India.” The Journal of Social, Political and Economic.*

National Judicial Data Grid

Chief Justice of India (CJI) DY Chandrachud on 14th September announced that the Supreme Court will soon integrate with the National Judicial Data Grid (NJDG) platform, which functions as an online repository of data related to the backlog of cases and the pace at which courts at various levels, from taluka to the national level, process and resolve these cases.

NJDG is a database of orders, judgments and case details of 18,735 District & Subordinate Courts and High Courts created as an online platform under the e-courts Project. Data is updated on a near real-time basis by the connected District and Taluka courts. It provides data relating to judicial proceedings/decisions of all computerized district and subordinate courts of the country. All High Courts have also joined the NJDG through web services, providing easy access facility to the litigant public. Aligned with the National Data Sharing and Accessibility Policy (NDSAP), NJDG provides an Open Application Programming Interface (API) to Central & State Governments. This API offers streamlined access to NJDG data using designated departmental IDs and access keys. This feature is intended for institutional litigants to evaluate and monitor cases, with plans to extend access to non-institutional litigants in the future.

The NJDG works as a monitoring tool to identify, manage & reduce pendency of cases. It helps to provide timely inputs for making policy decisions to reduce delays in disposing of cases and helps in reducing case pendency. It also facilitates better monitoring of court performance and systemic

bottlenecks, and, thus, serves as an efficient resource management tool. To track cases related to land disputes, Land Records data of 26 States have been linked with NJDG. NJDG has received international praise. In the Ease of Doing Business report for 2018, the World Bank (WB) commended NJDG for its role in generating case management reports that facilitate contract enforcement. This recognition underscores NJDG's significance in improving the business environment.

Source- "National Judicial Data Grid." National Informatics Centre, <https://www.nic.in/products/national-judicial-data-grid/>.



INTERNATIONAL CURRENT NEWS

Israel judicial reform explained: What is the crisis about?

The ongoing crisis in Israel centers on significant judicial reforms proposed by the government and the resulting public outcry. Since the beginning of the year, large-scale protests have swept through Israeli towns and cities, with hundreds of thousands of demonstrators opposing these reforms. Despite this resistance, the government recently passed its first planned change, known as the "reasonableness" bill, which diminishes the Supreme Court's authority to annul government decisions it deems unreasonable.

The protesters, a coalition of citizens and prominent figures, are calling for the abandonment of all proposed reforms and the resignation of Prime Minister Benjamin Netanyahu, who faces allegations of corruption. These demonstrations have even garnered support from military reservists, including air force pilots, who have threatened to refuse service, raising concerns about national security.

The heart of the crisis lies in the fear that these reforms will erode Israel's democracy by weakening the judicial system, which serves as a crucial check on government power. Critics argue that these changes could shield Netanyahu, currently facing corruption charges, and allow the government to push through laws without restraint. The government contends that the judiciary overly interferes with legislation, displays bias in favor of liberal causes, and has an undemocratic process for appointing judges.

Key legal reforms in question include limiting the Supreme Court's authority to review and overturn laws, enabling a simple parliamentary majority to overrule its decisions. The government also seeks greater influence over judicial appointments, including Supreme Court justices, and aims to eliminate the requirement for ministers to heed legal advice, currently provided by the attorney general.

As the crisis unfolds, it is expected to intensify, with the prime minister aiming to secure public support for the remaining reforms during the parliament's summer recess. However, the government's dependency on far-right ministers could potentially destabilize the coalition. The opposition demands a halt to the reform process and refuses to engage in discussions until this occurs. Threats of a general strike by Israel's primary labor union and continued protests promise further unrest in the foreseeable future.

Source: <https://www.bbc.com/news/world-middle-east-65086871>

Military Coups in West and Central Africa

A spate of military coups has been witnessed in West and Central Africa in the recent times with military officials ousting the constitutionally formed governments, signifying a major shift in the governance structure of the nations.

In Niger, President Mohammad Bazoum was ousted by the military junta, which then declared the head of the presidential guard Abdourahamane Tiani, the head of the state. Interestingly, this coup has succeeded other coups that took place in a couple of years in countries Burkina Faso, Guinea, Chad, and Mali. These coups raise questions about the efficiency of the constitutional governance structure of the nations involved. This is the fifth successful military takeover in Niger since it got independence from France in 1960. Despite the mounting external pressure, the military junta is adamant on not stepping

down and has threatened dire consequences for the ousted president as he along with his family has been held hostage by the junta. Apart from the unsettling of the diplomatic equations in the region there is a wider threat to the constitutional governance structure of the country with rule of law taking a backseat. A politicised military coupled with instable governance has been the root cause of such coups. *Good governance* cannot be ensured in such scenario because those in the ruling position have no connect with the public and hold onto their power unconstitutionally. Juntas also have tendencies to be work without keeping people informed thus hampering the transparency of the governance structure. There is a fundamental commonality in countries where coups are taking place, there is a weak socio-political structure with the essence of constitutional democratic governance not being entrenched among the institutions of the government, leading to a situation where the commitment to the constitution and the established norms of governance remains weak and whoever gets an opportunity tries to capture power.

Source: <https://www.reuters.com/world/africa/recent-coups-west-central-africa-2023-08-30/>

Corruption, and Lack of transparency in governance: Causes of conflict in the Middle East and North Africa

The region of Middle East and North Africa has been marred with intermingling of corruption, conflict and security making it the least peaceful region of the world as per Global Peace Index. The states have a corrupt system of governance where favouritism and bribery leading to tension in the already stratified and unequal society paving way for conflict and bloodshed. Across the entire region, lack of transparency in state security budgets allows for spending of funds without any public input, and with the money reaching corrupt actors. In the entire region, most countries lie in the high-risk region Transparency International's Government Defence Anti-Corruption Index. In Yemen and Syria, the ongoing conflict and the corruption has stifled the state's ability to match its obligations of protecting the public and rule of law. With the collapse of infrastructure in collapse, Yemen is facing the worst humanitarian crisis in the world. In Jordan, the state has increased restrictions on civil society and journalists by utilising the emergency declared in response to COVID-19. This has caused growing public mistrust in the government. This has caused downgrade of two points in the Corruption Perception Index.

Lebanon is yet another country to watch. It is facing economic, political and social disasters and the financial sector facing crisis because of overspending and corruption, which was exacerbated by the explosion on the Beirut port few years back. The state has not been able to pay its civil servants and soldier and has even failed in providing basic facilities like healthcare, water, food electricity.

The entire region presents a grim story of failed state marred with corruption and conflict and a lack of public trust in the institutions of the state.

Source: <https://www.transparency.org/en/news/cpi-2022-middle-east-north-africa-corruption-fuels-ongoing-conflict>

Inclusion of African Union in G20: Its impact on the global governance

The 18th G20 Summit, hosted by New Delhi in September 2023, witnessed a historic expansion of the group with the admission of the **African Union (AU)** as a permanent member. The AU, a

continental body of 55 member states, now has the same status as the **European Union**, the only regional bloc with full membership.

The inclusion of the AU in G20 is a significant step towards more inclusive and representative global governance. The AU represents a continent with 1.4 billion people and a collective GDP of USD 3 trillion. Africa is also one of the fastest-growing regions in the world, with a projected growth rate of 4.1% in 2023. Africa's voice and perspective are essential for addressing global challenges such as poverty eradication, climate change, health security, digital transformation, trade facilitation, debt sustainability, and peace and security.

The inclusion of the AU in G20 also offers benefits and opportunities for both Africa and G20 members. For Africa, it provides a platform to advance its common interests and aspirations on the global stage, such as the implementation of Agenda 2063 and Agenda 2030, the operationalization of the African Continental Free Trade Area (AfCFTA), the mobilization of climate finance and technology transfer, and the reform of international financial institutions.

For G20 members, it opens new avenues for cooperation and partnership with Africa in various sectors such as infrastructure development, renewable energy, digital economy, health care, education, agriculture, tourism, and culture. It also enhances mutual understanding and trust among G20 members and African countries.

Source- "G20 becomes G21: How Africa can benefit from its permanent membership", *Observe Research Foundation*,

[https://www.orfonline.org/expert-speak/g20-becomes-g21/#:~:text=During%20the%20inaugural%20session%20of,largest%20economies%20\(G20\)%20worldwide.](https://www.orfonline.org/expert-speak/g20-becomes-g21/#:~:text=During%20the%20inaugural%20session%20of,largest%20economies%20(G20)%20worldwide.)

Filling stomachs: India's role in the global scene of food security

The data showcases a grim picture of food security in the world especially in developing and under developed countries. With India attaining the presidency of G20 and presenting its leadership potential on the global podium, it can also play a leading role in improving the global food security crisis. It can do so by Developing Cost-Effective Technologies. India has shown the ability to achieve technological marvels at a very minimal cost after the success of Chandrayaan 3. Following the same track, it can also develop technologies to help farmers overcome challenges of extreme weather events. It could then share these technologies with other countries of the Global South. This is feasible and can be done cost-effectively, provided it's on the government's priority list and there is a time-bound action plan.

Secondly, It can also Leverage Technology for Agri Transformation. The ultimate goal is to enhance the efficiency and resilience of agri-value chains and promote digitisation as a catalyst for agricultural transformation. This can be done through establishment of standardized agricultural data platforms as digital public goods and harnessing novel digital technologies to revolutionize the agri-food sector. Sensor-equipped drips, drones and LEOs (Low Earth Orbits), for instance, can be used in agriculture to get "more from less", saving the planet's scarce resources.

Thirdly, India needs to increase its agricultural spending: India spends only 0.48% of agri-GDP on agri-R&D. This needs to be doubled, if the country has to play the role of a leader. Higher investment in agri-R&D, especially biofortification. Encouraging research in biofortification and disseminating

information on fortified crop varieties to farmers is key to achieving nutritional security. ICAR scientists have already demonstrated that even basic staple crops such as wheat, rice, maize, and millet can be bio-fortified with enhanced iron, zinc, and even anti-oxidants. ICAR has created 87 varieties of climate-resistant and nutritious crops. For example, India has released zinc-rich rice and wheat, which can be shared with countries of the Global South.

Strengthening a rules-based, open, predictable, transparent, non-discriminatory, inclusive, equitable and sustainable multilateral trading system is the need of the hour. India should also improve its food systems by strengthening local, regional, and international agri-food value chains. This can lead to affordable and accessible food, agricultural inputs, and products. A sustainable multilateral trading system with the WTO at its core, can increase market predictability and boost business confidence. India aims to promote millets globally, even among G20 members, but it requires significant efforts in terms of product innovation and dissemination to make it a staple food like quinoa. India needs to re-purpose agri-policies to a more environmentally sustainable and nutritious food system. Current policies of open-ended and assured procurement with Minimum Support Price (MSP) for say paddy and wheat, coupled with massive subsidies on fertilizers, power, and irrigation, have caused damage to our natural resources, especially soil, water, air, and biodiversity.

Source- *“India will play its due role in advancing global food security”*, *Hindustan Times*
<https://www.hindustantimes.com/india-news/india-will-play-its-due-role-in-advancing-global-food-security-101658211256917.html>



Column III- Judgment Analysis

CBSE vs ADITYA BANDOPADHYAY

2011 (8) SCC 497

Facts:

A group of students participated in the Secondary Examination and expressed dissatisfaction with their respective marksheets. Consequently, they submitted an application requesting an inspection and re-evaluation of their examination papers. The Central Board of Secondary Education (CBSE) declined the plea for exemption, citing Section 8(1)(e) of the Right to Information Act, 2005 (RTI Act). The Central Board of Secondary Education (CBSE) received approval from the Central Information Commission (CIC) following an appeal made by pupils. The students initiated legal action by filing a Writ Petition with the High Court. The Central Board of Secondary Education (CBSE) argued that their bye rules do not allow for the re-evaluation and inspection of answer sheets. The pertinent bye laws, including bye laws no. 61 and 62, are of relevance in this context. The CBSE asserted that such a claim was against the interest of optimisation of operational efficiency and effectiveness, as well as required supplementary personnel. The Central Board of Secondary Education (CBSE) also asserted its commitment to ensuring fairness and accuracy in the evaluation of answer booklets. The High Court determined that the assessed answer booklets of a candidate taking a public examination, being considered as documents and records, fall within the scope of the concept of "Information" as defined in Section 2(f) of the Right to Information Act (RTI). It was concluded that the provisions of the RTI should be construed and understood in a manner that promotes the disclosure of information rather than its suppression. As a result, the Central Board of Secondary Education (CBSE) was instructed to allow for inspection but not re-evaluation, as the Right to Information (RTI) Act primarily facilitates access to information rather than providing subsequent relief. The Central Board of Secondary Education (CBSE) has submitted a Special Leave Petition (SLP) to the esteemed Supreme Court of India.

Arguments Before The SC:

1. The Central Board of Secondary Education (CBSE) is entrusted with the responsibility of holding information in a fiduciary relationship. As a result, it is exempted from disclosing such information under Section 8(1)(e) of the Right to Information Act (RTI).
2. The Central Board of Secondary Education (CBSE) is required to disregard its own examination bye rules, specifically clause 61(4), the validity of which is not being questioned.
3. The High Court made an error by failing to adhere to the rulings of this court in the case of *Maharashtra State Board v Paritosh Bhupeshkumar Sheth* (1984) 4 SCC 27.
4. Despite the rejection of the students' plea by the CIC, they asserted their desire for the utmost dissemination of information during the proceedings before the Supreme Court. Section 22 of the Right to Information Act (RTI) is a crucial provision that establishes the supremacy of the RTI over any existing rule, regulation, or bye legislation.

The Supreme Court has formulated the following questions for its deliberation:

1. Whether the right to information encompasses the ability to both see and get a certified copy of the requested material?
2. Whether the judgement rendered by the court in the case of Maharashtra State Board v Paritosh impedes the right of the examinee?
3. When considering the act of reviewing answer books, can it be argued that those who possess them are in a fiduciary relationship and hence are not obligated to allow others to inspect them?
4. What limitations, requirements, or safeguards can be reasonably applied if an examinee is eligible for access to information or inspection?

The opinion of the court

Section 22 of the Right to Information Act possesses a prevailing influence. In the case of State of UP v Rajnarain (1975) 4 SCC 428, the esteemed court, in paragraph 74, established that the general public possesses a legitimate entitlement to access information on the actions of government officials, with only a limited number of exceptions.

The Supreme Court has ruled that answer booklets that have been reviewed are considered to be information as defined under Section 2(f) of the Right to Information Act (RTI) and that there has been a progressive shift in the practise of several examining bodies regarding the admission of inspection and publication of answer books, following the judgement of the Maharashtra State Board.

The Supreme Court determined that the High Court has previously rejected the granting of consequential remedy in the form of re-evaluation, and this matter is not under consideration in our current discussion. **The subject under consideration pertains to the examination of answer sheets in relation to the Right to Information Act (RTI).** Section 22 of the relevant legislation explicitly establishes the superior authority of the Right to Information (RTI) and thus supersedes any bye laws and rules. Consequently, the decisions made by the Maharashtra State Board will not be applicable.

On Fiduciary Relationship

The exemption asserted under section 8(1)(e) is contingent upon the proviso that if there is a compelling public interest that necessitates the disclosure of such material, it must be made available.

The provision of exemption under section 8(1)(e) pertains solely to third parties, hence excluding any possibility of a fiduciary withholding information pertaining to the beneficiary from the beneficiaries themselves. Hence, it is imperative to thoroughly investigate the body in question, ensuring that any information obtained during the examination is not divulged to any other party, but rather only shared with the examinee. Furthermore, it cannot be asserted that the examining body maintains a fiduciary connection with the examiner. Hence, the act of inspection is permissible with regard to this particular matter.

Column IV- Quiz

Q 1. Consider the following statements on new provisions introduced by The Foreign Contribution (Regulation) Amendment Bill, 2020:

1. The Bill adds public servants to the prohibited list for accepting foreign contribution.
2. The Bill seeks to make Aadhaar mandatory as an identification document.
3. The Bill provides that the government may conduct an inquiry before renewing the certificate.
4. The Bill reduces the limit to 20% for administrative expenses.
5. The Bill allows the central government to permit a person to surrender their registration certificate.
6. The Bill seeks to suspend the registration for not more than 180 days.

Which of the statements given above is/are correct?

- a) Only 2, 3, 4 and 6
- b) Only 1, 4 & 5
- c) Only 1, 2, 3, 4 & 5
- d) 1, 2, 3, 4, 5 & 6

Q 2. One of the earliest whistleblowers in India was Shanmughan Manjunath, an Indian Oil Corporation officer. In 2005, he lost his life while trying to expose adulteration of fuel in petrol pumps. What is the significance of Shanmughan Manjunath's whistleblowing case, and how did it contribute to the protection of whistleblowers in India?

- a) His case led to the introduction of the Whistleblowers Protection Act in India.
- b) His case highlighted the dangers faced by whistleblowers and spurred public awareness.
- c) His case resulted in the shutdown of Indian Oil Corporation.
- d) His case had no significant impact on whistleblowing laws in India.

Q 3. The Aadhar card, a 12-digit unique identification number, was introduced in India to address various issues, including efficient delivery of welfare services and reducing identity fraud. In which year was the Aadhar project officially launched in India, and who spearheaded this initiative?

- a) 2007; Dr. Manmohan Singh
- b) 2010; Dr. APJ Abdul Kalam
- c) 2014; Narendra Modi
- d) 2009; Nandan Nilekani

Q 4. Transparency in budgeting is essential for good governance. Which online platform, launched by the Indian government, provides detailed information on government budgets, allocations, and expenditures? How does this platform promote transparency in financial matters?

- a) MyGov; It allows citizens to vote on budgetary allocations.
- b) Budget India; It offers real-time updates on government spending.
- c) Open Budgets India; It provides comprehensive data on government budgets and expenditures, promoting accountability and informed public participation.
- d) Swachh Bharat Abhiyan; It encourages cleanliness in government offices.

Q 5. The Right to Information (RTI) Act has its roots in a grassroots movement that gained momentum in India during the 1990s. Which prominent social activist is often credited with leading this movement and advocating for the transparency and accountability of government institutions?

- a) Anna Hazare
- b) Arvind Kejriwal
- c) Medha Patkar
- d) Kailash Satyarthi

Q 6. Transparent public procurement processes are vital to prevent corruption and ensure fairness. Which digital platform, launched by the Indian government, facilitates transparent procurement of goods and services by various government departments? How does this platform promote transparency and accountability in public procurement?

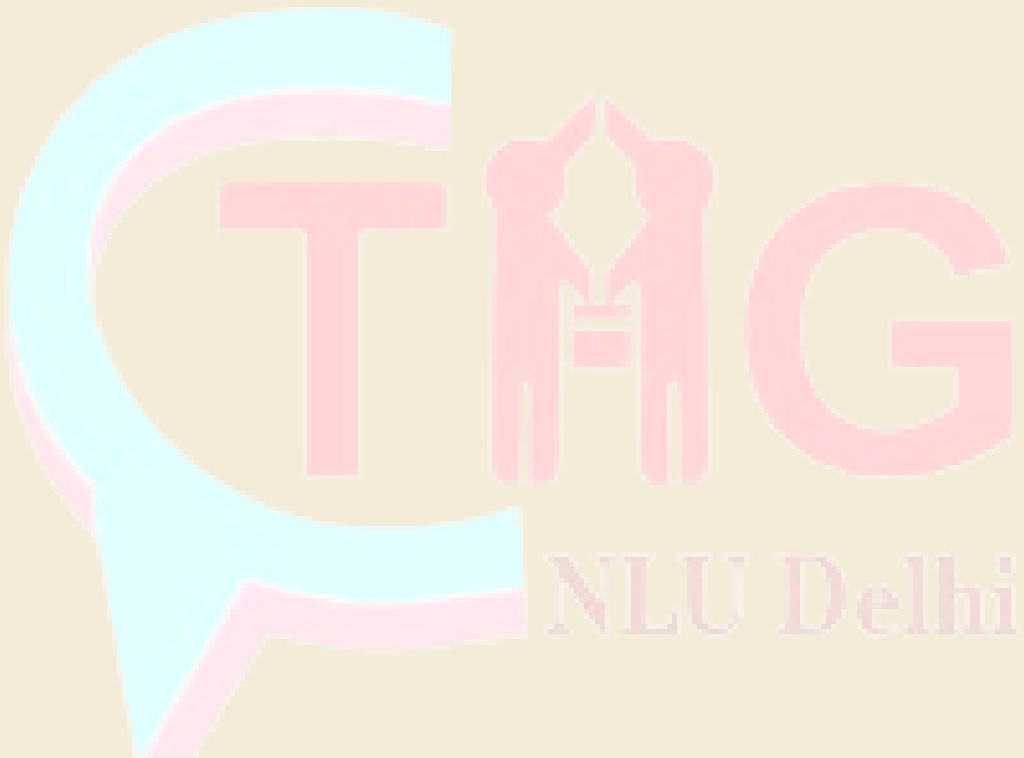
- a) Digital India Marketplace (DIM); It provides exclusive access to government contracts for select vendors.
- b) GeM (Government e-Marketplace); It offers a transparent, efficient, and secure platform for government procurement.
- c) Public Tender Portal (PTP); It allows government departments to conduct closed procurement without public scrutiny.
- d) Centralized Procurement Platform (CPP); It primarily serves the defense sector.

Q 7. Transparent taxation systems are essential for revenue collection and accountability. In recent years, the Indian government introduced a platform to simplify tax compliance. What is the name of this platform, and how does it enhance transparency in the tax system, benefiting both taxpayers and the government?

- a) Goods and Services Tax Network (GSTN); It enables businesses to file their taxes online, streamlining the tax collection process and reducing tax evasion, thus promoting transparency.
- b) Direct Tax Code (DTC); It increases tax rates to ensure higher revenue collection.
- c) Pradhan Mantri Jan Dhan Yojana (PMJDY); It promotes financial inclusion.
- d) National Digital Library of India (NDLI); It provides open access to a vast collection of educational materials, promoting transparency and equal educational opportunities.

ANSWERS WOULD BE RELEASED IN THE NEXT ISSUE OF THE MAGAZINE.

Top 3 random selections would get certificates



Column V: TAG Magazine Publication Policy

I. Introduction

TAG Magazine is a student-run publication committed to maintaining the highest standards of integrity, quality, and responsibility. As the editors of TAG, we recognize the importance of establishing clear guidelines to uphold these principles. This publication policy outlines the key standards and expectations for contributors to ensure the ethical and professional conduct of our magazine.

II. Conflict of Interest

TAG Magazine strictly prohibits conflicts of interest that compromise the integrity of our content.

Disclosure: All contributors and staff members must promptly disclose any potential conflicts of interest to the editor-in-chief. This includes institutional conflicts, financial interests, personal relationships, or any other circumstances that could reasonably be perceived as influencing editorial decisions. Submissions from current or former students of NLU Delhi are prohibited.

Avoidance: Contributors should avoid situations where their personal interests could conflict with the impartiality and objectivity of TAG Magazine's content.

Editorial Integrity: Editors and staff members must ensure that conflicts of interest do not impact the assignment, editing, or publication of any article. We prioritize the accuracy and fairness of our reporting above all else.

III. Plagiarism and Academic Integrity

TAG Magazine maintains a zero-tolerance policy towards plagiarism and upholds the highest standards of academic integrity.

Originality: All content must be original and properly attributed. Plagiarism of any form, including the copying of text, images, or ideas without appropriate citation, is strictly prohibited.

Citation: Proper citation and referencing must be employed in accordance with recognized style guides (e.g., APA, MLA) when using external sources.

Authorship: Authors must claim ownership of their work and avoid submitting content that has been published elsewhere without proper acknowledgment. Not more than 3 authors are permitted per submission. The submissions must at most be of 2500 words, font Times New Roman, Line Spacing 1.5, font size 12 and include an abstract as well as a references column at the end.

IV. Controversial Topics

TAG Magazine is committed to open dialogue and respects diverse perspectives.

Balanced Reporting: We encourage balanced reporting and presenting multiple viewpoints on controversial topics, ensuring that our coverage is fair, accurate, and free from bias.

Fact-Checking: Contributors are responsible for fact-checking all content to the best of their ability. Inaccurate or misleading information will not be tolerated and may result in blacklisting of the contributor.

Editorial Independence: TAG Magazine maintains editorial independence and does not allow external influences, whether from advertisers, sponsors, or other stakeholders, to compromise our editorial decisions.

V. Respect for Privacy and Ethics

TAG Magazine is committed to respecting privacy rights and adhering to ethical standards in reporting.

Informed Consent: We seek informed consent when reporting on individuals, particularly in sensitive or potentially invasive situations. This includes interviews, photographs, or any form of identification.

Minors: Special care must be taken when dealing with minors. Parents or guardians must provide informed consent for any content featuring minors.

VI. Corrections and Accountability

TAG Magazine takes no responsibility for errors committed by the contributors.

Corrections: Any factual errors or inaccuracies must be promptly corrected, and the corrections should be noted in the relevant article.

VII. Monitoring/ Facilitation

All drafts of the magazine before publication shall be subject to the scrutiny/facilitation by the Registrar.

VIII. Non-Compliance

By adhering to the principles outlined in this publication policy, we maintain the credibility and professionalism of TAG Magazine. All contributors, editors, and staff members are expected to familiarize themselves with these guidelines and uphold them in every aspect of their work.

Failure to comply with this policy may result in the removal of content, suspension, or termination of contributor or staff positions. TAG Magazine is dedicated to the pursuit of truth, ethical journalism, and responsible reporting.

IX. Grievances

In case of any genuine grievance related to rejection of publication in the magazine may be filed to CTAG, NLU, Delhi. (ctag@nludelhi.ac.in) within a week from the release of the magazine.

TAG MAGAZINE TEAM

CALL FOR MAGAZINE BLOGS & ARTICLES

Call For Short Articles, Blogs and Case Analysis on Good Governance and Transparency.

For guidelines refer to the abovementioned Publication Policy.

The Submissions shouldn't exceed more than 800 words.

OSCOLA format for citations.

Coming Up- The Next Month-New Column on Question and Answers on RTI Law;

The deadline for the submission is 15th of each month for next month's publication.

Send the mails on mtag.ctag@nludelhi.ac.in

