



Prevention and Management of Conflict of Interest

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Convener

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Objectives

The purpose is to ...

- Come together and share thoughts as on the draft Bill on Conflict of Interest.
- Explore how to move forward, especially in the case of legislation.

UNCAC 2003

The UN Convention Against Corruption 2003 stresses that if anti-corruption laws have to be effective, conflict of interest should be addressed. It requires that nations “adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”

PRIME MINISTER OUTLINES 17-POINT ACTION PLAN FOR MINISTRIES

Reach anywhere in India in 24 hours by road and rail, bring new law on conflict of interest

AMITAV RANJAN

NEW DELHI, JULY 21

FROM building coastal expressways as part of a plan to upgrade the road and rail network to ensure that a person can reach any point in the country within 24 hours, to boosting labour reforms so that workers are employed for “fixed terms” instead of on contract; from new legislation on conflict of interest to adding a health

knowledge institute to every district hospital — a 17-point people-oriented agenda has been sent by Prime Minister Narendra Modi to his ministries.

While Modi’s wishlist was sent on July 10, all the ministries were told to submit detailed action plans, with sharp focus on delivery and implementation, by July 20 so as to put the agenda in place when the NDA government completes its first 100 days in office in August-end.

Laying stress on connectivity and power with “service goals” set to improve transportation within the country, it proposes a network of coastal expressways on the east and west coasts, connected to each other through latitude expressways (to be called Akshansh Marg Expressways) at 13 degrees, 15 degrees and 17 degrees.

Another plan is to build a Kanha-Krishna corridor, from Madhya Pradesh

to Andhra Pradesh, which would combine highways and the rail network as well as oil and gas pipelines.

It also envisages Metro Rail and BRT systems in towns and cities to enable an urban citizen to travel from one point to another in less than an hour at “a reasonable price”.

Besides inland connectivity, Modi’s vision includes construction of a world-class port on either side of the penin-

sula to take advantage of the country’s long shoreline. “At least two ports, one on the east coast and one on the west coast, should be capable to handle the largest container ships plying on global routes,” says the list sent by the Cabinet Secretariat.

As part of the plan to improve connectivity, it has been proposed that all long distance calls within the country

CONTINUED ON PAGE 2



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Maira Bes-Rastrollo , Matthias B. Schulze, Miguel Ruiz-Canela, Miguel A. Martinez-Gonzalez

Published: December 31, 2013 • DOI: 10.1371/journal.pmed.1001578

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PARLIAMENT OF INDIA

RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE

SEVENTY-SECOND REPORT

On

**ALLEGED IRREGULARITIES IN THE CONDUCT OF STUDIES
USING HUMAN PAPILLOMA VIRUS (HPV) VACCINE BY PATH IN
INDIA**

**(DEPARTMENT OF HEALTH RESEARCH, MINISTRY OF
HEALTH AND FAMILY WELFARE)**

(Presented to the Rajya Sabha on 30th August, 2013)

(Laid on the Table of Lok Sabha on 30th August, 2013)

Life or Death ?

QUANTUM LEAP: Is this 'Vaccine-gate'? Report claims ICMR cast aside ethics guidelines to benefit top drug firms

MailOnlineIndia
... MAIL TODAY

Tuesday, 3 September 2013



The Standing Committee on Health tabled a report in Parliament last week which lays bare the unholy nexus between India's top medical research body and an American voluntary group - a union seemingly formed solely to benefit two top drug companies.

[» Full news story](#)



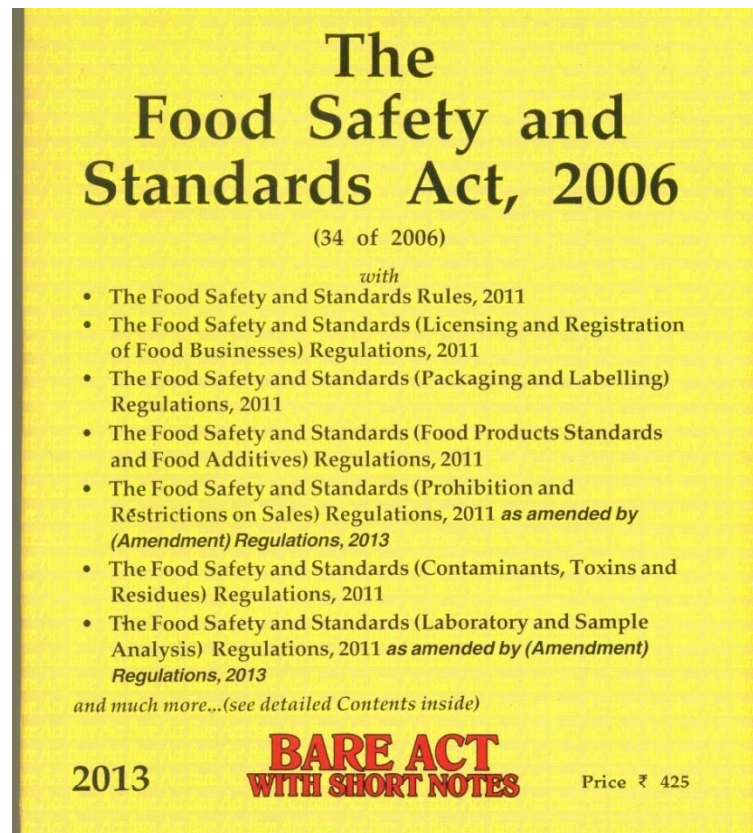
Mary Kom's #First Female Fight Club



"I'm opening my #First Female Fight Club"

0:00 / 1:23

COI in Food Authority



- Food Authority shall have two members from Food Industry
- Central Advisory Committee shall consist of “two members each to represent the interests of food industry,

Who Decides What One Eats ?

Business Standard

Wednesday, January 15, 2014 | 01:13 PM IST

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GEAC member quits over conflict of interest

Sanjeeb Mukherjee & Sreelatha Menon | New Delhi April 5, 2011 Last Updated at 00:42 IST

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Monday, January 13, 2014

Chetan Chauhan, Hindustan Times

New Delhi, May 05, 2013

First Published: 20:42 IST(5/5/2013)

Last Updated: 23:47 IST(5/5/2013)

Print

GM panel member in conflict of interest row

Has the government misled the Supreme Court in constitution of a court's committee on genetically modified (GM) crops?

Appears so, as one of the government nominees has a clear 'conflict of interest' in promoting GM crops as the organisations, he heads, has received money from multi-national biotech companies.

The agriculture ministry had nominated Rajendra Singh Paroda, former director general of Indian Agriculture Research Institute (IRAD), as member of Supreme Court appointed Technical Expert Committee to submit a report on efficacy of GM crops in November 2012, in place of former planning commission member V.L. Chopra.

Paroda, a post doctorate in plant breeding and genetics from University of Wales, UK, was nominated as an independent expert on agriculture plant genetic resources as the ministry raised objection of absence of an agriculture scientist in the committee.

What the ministry failed to inform the court was Paroda's administrative role in two organizations, having received funding from biotech major Monsanto and its Indian associates for running different programmes. Monsanto was not available for comments.

Paroda did not react to emails sent to his three different email addresses. His office confirmed to have received the emails from HT on Friday. "The questions have been shown to sir (Paroda)," his office said on Saturday.

Documents assessed by HT shows that Paroda heads Trust for Advancement of Agricultural Science (TAAS) on whose board is B R Barwale, chairperson of research foundation of one of the biggest GM companies in India Mahyco. Other board members include representatives of major seed companies in India.

He is also executive secretary of Asia Pacific Association for Agricultural Research Institutions (APARI) from 1993 onwards. The organisation's website shows that it has received funding from 'Monsanto, Mahyco and Rockefeller Foundation' for various activities including use of "GM for sustainable agriculture."

Paroda had in his speeches at its steering committee meetings in different countries across Asia had appreciated the role of private GM companies in helping APARI and their funding for running its programmes. His

Food Industry teaches Nutrition

MAIL TODAY E-PAPER

You're paying food giants to 'educate' you on nutrition

By Dinesh C. Sharma in New Delhi

FOOD giants are surreptitiously using the public-funded education system to promote commercial brands and encourage consumption of unhealthy foods in the name of 'nutrition education', a group of health experts has warned.

"Collaborations of food multinationals with public-funded educational institutes to educate girls and women about food and nutrition are ploys to exploit them for commercial gains," points out the Alliance Against Conflict of Interest (AACI) in a letter written to HRD minister Kapil Sibal.

The group has asked the minister to issue a new directive to make collaborations between food companies and educational institutions illegal.

Such a directive could be issued under the National Council for Higher Education and Research.

A string of agreements between Nestlé and several agricultural universities to take up programmes for "creating health and nutrition awareness of village women and girls in government schools in rural areas", has prompted the AACI to take up the issue with the government.

"We strongly believe that commercial entities such as Nestlé exploit such partnerships to promote their image and brands, which includes artificial milk and snacks as fast foods," the letter said.

The intent to target adolescent girls in India for commercial gain has been expressed publicly by Nestlé's vice-president of public affairs at a meeting in London in May 2010, according to the letter.

The letter quotes the official as saying: "This is important to us because it's consumer demand of demanding better nutrition products that's going to make us a successful business." "We've started a programme to educate teenage girls on good nutrition

Environment under threat

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Conflict of interest: Gupta was environment secy when Posco was cleared

Nitin Sethi, TNN Oct 19, 2010, 04:34am IST

Tags: POSCO | Jairam Ramesh

NEW DELHI: Three of four members on the Meena Gupta committee have written to environment and forests minister [Jairam Ramesh](#) that differences between them and the chairperson may have arisen as Gupta was a retired IAS officer from Orissa cadre who had also been environment secretary at the Centre.

In a letter jointly despatched by retired forest officer Devendra Pandey, researcher Urmila Pingle and civil rights lawyer V Suresh, the three have virtually suggested a conflict of interest in Gupta's role. They put their reservations on Gupta's dissenting views on record a day before submitting their report on [Posco](#) separately.

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hindustantimes
Monday, January 13, 2014

Chetan Chauhan, Hindustan Times
New Delhi, March 16, 2011
First Published: 21:14 IST(16/3/2011)
Last Updated: 23:43 IST(16/3/2011) [Print](#)

Jairam admits conflict of interest in N-development

Environment minister Jairam Ramesh on Wednesday agreed that there was a conflict of interest in regulating nuclear radiation issue security issues involved. The Nuclear Power Corporation of India (NCPIL) is entrusted with the job to set up nuclear plants in India whereas Atomic Energy Board is the regulatory looking at safety aspects and radiation related pollution.

Both these organizations are under the Department of Atomic Energy of the Central government.

This conflict of interest issue has cropped after independent experts questioned safety of Indian nuclear plants and future of 9,900 MW nuclear in Jaitapur in Maharashtra following radiation leaks in nuclear plants in Japan.

The radiation impact of the Jaitapur plant was not covered in the Environment Impact Assessment and is now being looked after by the Atomic Energy Board.

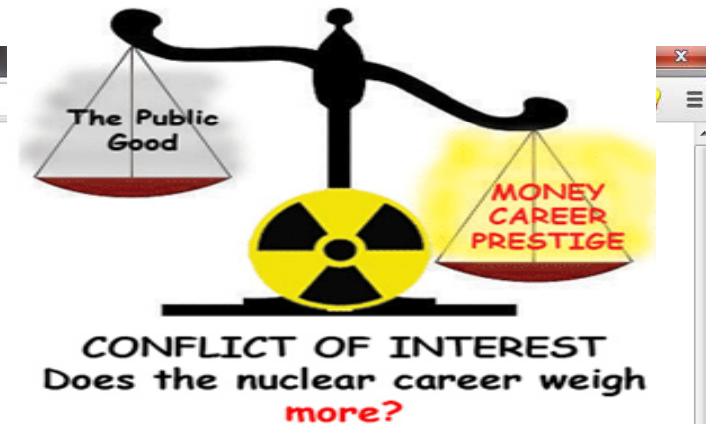
"We will review the environment clearance once board examines the radiation pollution aspect. Overall, safety of the plant is not the domain of my ministry," Ramesh said.

To make his point clear on regulatory conflict of interest Ramesh said the commissioner of Railway safety, who clears all rail projects including Delhi Metro, is under the administrative control of the civil aviation ministry and not railways.

Railways had wanted the commissioner to be under its administrative control but the government had rejected the idea for the last 40 years.

Last year, the government agreed with Ramesh on another area of conflict of interest when it transferred the administrative control of the proposed biotechnology regulator from the Department of Bio-Technology, whose mandate is to promote biotechnology, to the Department of Science and Technology.

The government has proposed an overarching regulator for the biotechnology sector including Genetically Modified crops to take the regulatory work away from the environment ministry. And, after initial resistance the government agreed with Ramesh.



Unregulated Markets

Sebi issues new guidelines on conflict of interest

Sebi's circular comes in the backdrop of the abrupt suspension of trades by NSEL

Reuters



The guidelines, which are based on rules laid out by the International Organisation of Securities Commissions (IOSCO), were issued by Sebi to stock exchanges, intermediaries, clearing corporations and depositories in a circular on Tuesday. Photo: Abhijit Bhatlekar/Mint

Mumbai: India's capital markets regulator has asked stock exchanges and brokers to comply with a new set of guidelines to avoid conflict of interest among market participants, bringing its rules in line with international standards.

The Securities and Exchange Board of India (SEBI) has asked financial market participants to put in place information barriers to segregate the flow of information between different departments and also establish an internal code of conduct for their employees, among other things.

The guidelines, which are based on rules laid out by the International Organisation of Securities Commissions (IOSCO), were issued by Sebi to stock exchanges, intermediaries, clearing corporations and depositories in a circular on Tuesday.

Sebi's circular comes in the backdrop of the abrupt suspension of trades by India's National Spot Exchange Limited (NSEL).

Although Sebi does not itself regulate commodity bourses such as NSEL, Financial Technologies (India) Ltd — the owner of NSEL — is also the promoter of the MCX-SX stock exchange.

COI Rampant in Corporate Sector



THE ECONOMIC TIMES

Corporate Trends

Conflict of interest rampant in India's corporate sector, politics & financial markets

Samanwya Rautray & Urmil Goswami, ET Bureau Jun 9, 2013, 10.21AM IST



A tweet from a parody account of cricket commentator Richie Benaud that "Indians just don't get conflict of interest" created a ruckus in cyberspace and was immediately re-tweeted all over the place. The fake Benaud is not completely right.

For every MP such as Hema Malini who didn't seem to understand what the brouhaha was about when she asked a question which benefitted a product she was endorsing, there are others such as Jai Ram Ramesh and Jaipal Reddy who've raised red flags on the issue. Unfortunately, both have had to pay to eat humble pie. Take the instance of the irrepressible Jai Ram Ramesh, who concludes that "I don't think we have an interest in 'getting it'."

Green Campaign

As environment minister in 2010 he rushed in where others feared to tread, shooting off a letter to presiding officers of both houses to inquire into MPs brazenly lobbying for environmental projects. He dubbed it as instances of serious conflict of interest in which MPs were using their parliamentary positions to benefit interested sectors and urged action

against them. Ramesh's whistle-blowing came to naught a year down the line, when he was forced to back off for fear of antagonising far too many MPs — most felt he was flagging a non-issue and that it was fine for them to push for projects as they were answerable to the people.

PPP have problems

THE TIMES OF INDIA

Public-private projects have problems: Montek Singh Ahluwalia

Dipak Kumar Dash, TNN | Aug 29, 2013, 05:54AM IST

NEW DELHI: Planning Commission deputy chairman Montek Singh Ahluwalia, seen as the

strongest proponent of public private partnership (PPP) projects, has admitted to "problems" but ruled out scrapping the model . Instead, he has started discussions on how the mechanism can be made to work better amid strong public criticism, which he acknowledges can be "legitimate" .

Ahluwalia has written to ministries seeking across-the-board changes from award to monitoring of projects , while listing out several projects where developers have gained. From the consumer point of view, the biggest change is to be ushered in on the monitoring side as the plan panel has finally recognized that developers of roads and airports and those setting up power plants often fall short of service standards.

"In most cases the user charges are levied and recovered by force of law and since payment thereof is involuntary , users expect the government to ensure the promised level of service... Since the concessionaire is primarily guided by profit motive, he may try to save his costs and expense by cutting corners and shortchanging the users," a note circulated by Ahluwalia said, while asking government agencies to step up monitoring to avoid charges of collusion. The document said while malfeasance in traditional contracts can be detected fairly early, it could take long to surface in PPP projects, but the consequences are far more significant.

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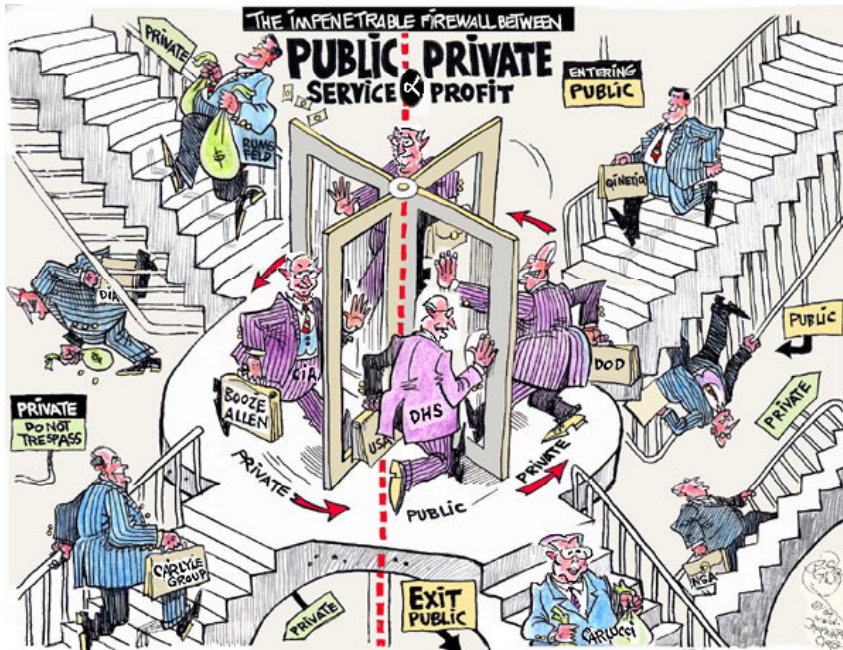
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Revolving Door



- Gopal Subramaniam represents multinational pharmaceutical company after leaving govt. against which he was fighting
- Health Secretary Naresh Dayal joins drug company GSK
- Retired Cabinet Secretary TSR Subramanian joins Micrunutrient Initiative, a lobbying body
- Veena Rao, earlier with MoWCD, joins Britannia Industry Foundation as Advisor
- PV Bhide retired as revenue secretary, got permission to join 5 companies-NOCIL Ltd, Heidelberg Cement India Ltd, I & T finance

Impact

- Conflict of interest in policy and decision-making processes of the government affects the entire public of the country;
- It can result in huge losses to the exchequer;
- It can put whole populations at health risk by not adequately regulating the junk food, tobacco and alcohol industry;
- It can release dangerous and unnecessary medicines on the people;
- It can distort priorities to make treatment rather than prevention the national policy;
- It can raise the price of basic services such as provision of food, water, health care, housing, power, transportation, to levels that the poor cannot afford;
- It can destroy the environment and the livelihoods of peoples dependent on that environment;
- It can create financial risks for small and medium investors through the collusion of large players with the regulators, and so on, to affect any and all aspects of life.

Solutions

- **Recognise Conflict of Interest in public policy as a form of Corruption**
- **Include proposal for new clause in Prevention of Corruption Amendment Bill 2013 as submitted**
 - 1. a. Any person associated with/having any links to any commercial organisation directly or indirectly or any businesses or their related front organisation having interest other than public interest shall not be a part of any public authority/public policy making body/advisory body/ committee or such process that develops public policy.
(Provided that a Public servant can consult such a person in a transparent manner with declaration of the content of the meetings etc. on the web site within a day)
 - b. A public servant/employee of a public authority during his/her service shall not be associated in any manner including being a trustee/director/member/associate of a commercial organisation or their front organisation or lobby organisations of any businesses having interest other than public interest.

Solutions (contd.)

2. Any public servant after having completed his/her public duty /service shall not join any commercial organisation or business or related organisation having other than public interest or any process that fulfils other interests before the expiry of period of 24 months.

3. a. A public servant shall not accept any direct or indirect benefit including but not limited to fee, payment, gift, services that are monetary or in kind, hospitality including travel costs, personal benefit, research funding, gifts to family members and the like, except lawful compensation, from any person who he knows or has reason to believe or is likely to have a conflict of interest in respect of any public project with which s/he is concerned.

b. Nothing contained in sub-section (1) shall apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office: Provided that such gift or personal benefit is immediately reported in writing to the concerned public authority or body.

c. The gift disclosure statement shall,—

(i) be in the form prescribed; and

(ii) indicate the nature of the gift or personal benefit, its source and the circumstances under which it was given and accepted.