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CORRUPTION: THE NEED FOR CIVIL SOCIETY ENGAGEMENT

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ABSTRACT

It is the duty of leading men, whatever their persuasion or party, to safeguard   dignity of India; India's dignity cannot be gained if misgovernment and corruption flourish became misgovernment and corruption always goes together. People's anger was expressed in the form of support which Anna Hazare's movement received. Cor-ruption which is rooted deep in the society raised apprehension over removing it totally from the society. It is now an established fact that corruption is increasing in the Country and therefore, we cannot remain self- centered rather needs to think beyond in larger interest of the nation as a whole.

KEYWORDS :social movements, TICPI, CBI, MGNREGS, CBI, Jana Lokpal Bill, TICP, representatives.

INTRODUCTION

The present paper analysis different dimensions of the issue of corruption and evaluation the limitations and success of social movements in earning this menace. With Anna Hazard's movement, issue of corruption gained centre stage in the aca-demic and political discussions. Mushroom¬ing of corruption scandals eroded peop-les' trust in their representatives.

People's anger was expressed in the form of support which Anna Hazare's movement received. Cor¬ruption which is rooted deep in the society raised apprehension over removing it totally from the society. Whether civil society can provide an answer to this problem? An at¬tempt has been made in this paper to un¬derstand role of civil society in combating corruption.

Corruption is viewed as a key development issue. Corruption has been one of the per¬sistent problems affecting India since from independence. Economic reforms of 1990 further broadened the base of corruption. Number of committees and commissions highlighted on the issue but no concrete measures were taken up by any government to tackle the problem of corruption. Over a period of time

corruption spread its roots deep in the society. So much so that, there emerged a general belief that, no policy or law will be able to root out corruption com¬pletely.

In recent years, the subject of corrup¬tion has received considerable attention in India. Corruption in India is a major issue that adversely affects its economy. A study conducted by Transparency International in year 2005 found that more than 62% of Indians had first hand experience of paying bribes or influence peddling to get jobs done in public offices successfully. In its study conducted in year 2008, Transparency International reports about 40% of Indians had firsthand experience of paying bribes or using a contact to get a job done in public office.

In 2015, India was ranked 76th out of 175 countries in Transparency International's Corruption Perceptions Index, compared to its neighbors Bhutan (30th), Bangladesh (145th), Myanmar (156th), China (100th), Nepal (126th), Pakistan (126th) and Sri Lanka (85th). This is the second least corruption rank for India in the whole of South Asia. In 2013, India was ranked 94th out of 175 countries. In 2016, India was ranked 76th out of 168 countries in Transparency International's Corruption Perceptions. Most of the largest sources of corruption in India are entitlement programmes and social spending schemes enacted by the Indian government. Examples include Mahatma Gandhi National Rural Employment Guarantee Act and National Rural Health Mission. Other daily sources of corruption include India's trucking industry which is forced to pay billions in bribes annually to numerous regulatory and police stops on its interstate highways.

Indian media has widely published allegations of corrupt Indian citizens stashing trillions of dollars in Swiss banks. Swiss authorities, however, deny these allegations. The Indian media is mainly owned by corrupt politicians and industrialists who also play a major role in most of these scams, thus misleading public with wrong information and using media for mudslinging against their political and business opponents.

With Anna Hazare's campaign, is¬sue of corruption was brought out to the centre stage which raised many questions like, what is the whole debate of corrup¬tion. Whether Jan Lokpal Bill provides an answer to the problem of corruption? And what is the role of civil society in tackling the problem of corruption? In the light of these questions the paper tries to understand the issue of corruption in India and the role of civil society in combating corruption.

The present paper is an attempt to fur¬ther add to the existing debate on corrup-tion & the role of Corruption is not just a matter of making laws and creating institu-tions but it is deeply rooted in the activities of society. Thus, necessitating civil society to playa crucial role in curbing corruption. The main argument of the paper is focused on the need for the civil society engagement to combat corruption. For this purpose, the paper is divided into three major parts. The paper begins with an attempt to understand the issue of corruption. The second part fo¬cuses on examining politics of corruption in India. And finally the paper tries to analyses the role of civil society in dealing with the problem of corruption.

HOW TO DEFINE CORRUPTION?

The challenge facing corruption is how to define it. Because different people see it differently. The most common definition of corruption is "abuse of public office for pri¬vate gain" Corruption is also defined in the following words':

"Corruption is a symptom that something has gone wrong in the management of the state. Institutions designed to govern the interrelationships between the citizen and the state is used instead for personal enrichment and the provision of benefits to the corrupt. The price mechanism, so often a source of economic efficiency and a contributor to growth, in the form of bribery, undermines the

legitimacy and effectiveness of government". Corruption in broadest sense is lack of integrity - whether intellectual, moral or fi¬nancial' Civil society in competing corrup¬tion.

Corruption is classified in different ways. Corruption can mainly be classified into Grand Corruption referring to corrup¬tion of heads of state, ministers, top offi¬cials which usually involves large amount of money. Petty Corruption also called as 'low' or 'street' corruption indicate the kind of corruption that people experience in their day to day encounters with public officials for public services like hospitals, schools, local licensing authority, police, etc., which generally involves modest sum of money.

Corruption -- various levels:

Corruption takes place at various levels ¬political, administrative, corporate and institutional. At every level it falls on the weak, poor and marginalized and benefits the one in power. Corruption is essentially an activity carried out by groups with power and benefits those who have access to power, while it affects and victimizes mainly those who suffer discrimination on the basis of race, gender handicap, ~think origin, etc.

In India, since independence administrative corruption is much talked about and has received considerable attention. Plethora of agencies was appointed to inquire into administrative corruption. Two major anti-corruption vigilance institutions appointed in India are, Central Bureau of Investigation (CBI) in 1963 and Central Vigilance Commission (CVC) in 1964 with overlapping powers and too many confusions. In recent years CBI is getting highly politicized while several attempts have been made to render CVC ineffective. The selection of authorities for these agencies became matter of dispute.

In 1989, Government of India passed a directive known as Single Directive No. 4.7. To the CBI. According to this directive the officers of the level of Joint-secretary and above could not be investigated for corruption by the C.B.I. without the special permission or sanction of the Central government". This directive was struck down by the Supreme Court of India in the famous judgment of the Vineet Narain vs Union of India, (1998) 1 SSC 226 case as being vocative of Article 14 (equality before law) of the Constitution. However this single directive has been reintroduced under section 26 of the Central Vigilance Commission Act, 2003 which renders employees of the Central Government at the level of the Joint Secretary and above immune from any inquiry into offences allegedly committed by them, except with the prior approval of the Central Government'. There are also procedures such as clearance from government is required to charge sheet senior government officials in the corruption cases which renders these institutes ineffective as these clearances many a time are delayed or withheld as the person is close to some political group. Political corruption was also in existence since independence but with the introduction of new economic reforms magnitude of political corruption has increased.

Corruption and Politics:

A.D. Gorwala report (l950) was one of the earliest reports which documented the problem of corruption in India. In 1964, Santhanam Committee was appointed by the government to investigate into the matter of corruption and suggest measures. It also came up with a definition of corruption "In its widest connotation, corruption includes improper or selfish exercise of power and influence attached to a public office or to the special position one occupies in public life".

Both these reports pointed out at the existence of corruption and lack of integrity among the ministers during Nehru's period. However, the fact of corruption did not receive serious attention by Nehru. Nehru's tolerance of corruption legitimized corrupt practices which continued during the

period of Indira Gandhi. In the early years because of Official Secrecy Act many corruption cases remained secret.

The Administrative Reforms Commission in its report, submitted in 1966, among other recommendations also asked for the creation of an Indian type of ombudsman called Lokpal at the Centre and Lokayukta at the states' level. However, till date, no Lokpal is appointed. For the first time in the country, the Karnataka State Legislature passed the Karnataka Lokayukta Act in 1984 and brought it to force in 1986. Though not all, some states have followed its footstep. The need for the existence of this institution is reiterated by the Second Administrative Reforms Commission in its Report submitted in 2007, which officially indicates that mal-administration still continues. In 1985 when Rajiv Gandhi succeeded his mother Indira Gandhi, he was promoted as 'Mr. Clean'. Rajiv Gandhi clearly sought to build a popular mandate around the issue of controlling corruption, among other things". However, in later years he found himself in Bofors deal controversy which became one of the major issues at the time of 1989 general election.

As of December 2009, 120 of India's 524 parliament members were accused of crimes, under India's First Information Report procedure wherein anyone can allege another of committing a crime. Many of the biggest scandals since 2010 have involved very high level government officials, including Cabinet Ministers and Chief Ministers, such as in the 2G spectrum scam (Rs,1.7 lakh crore), the 2010 Commonwealth Games scam (Rs,70000 crore), the Adarsh Housing Society scam, the Coal Mining Scam (Rs,1.86 lakh crore), the Mining Scandal in Karnataka and the Cash for Vote scam, TDP MLA (AP) were committed in this crime and there visual evidence and also case were booked by Telangana Government dated-14th jun 2015. There is voice record of AP Chief Minister in this case consent and witch is triggering the issues of corruptions in throughout Nation.

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Government and political corruption:

The biggest cause of concern today in India is political corruption. The nexus between politicians, bureaucrats and police made the things worse for the people. Gunnar Myrdal has described Indian society as a "soft society". According to him, the term "soft state" is understood to comprise all the various types of indiscipline which manifest themselves by: deficiencies in legislation and in particular law observance and enforcement, a widespread disobedience by public officials on various levels to rules and directions handed down to them, and often their collusion with powerful persons and groups of persons whose conduct they should regulate". For him corruption is one of the major development problems and prevalence of corruption reveals state's unwillingness to enact laws to curb it. A 2011 KPMG study reports India's real estate, telecommunications and government-run social development projects as the three top most corruption plagued sectors. The study found India's defense, information technology industry and energy sectors are the most competitive and least corruption prone sectors.

CMS India claims in its 2010 India Corruption Study report that socio-economically weaker section of the Indian society is most adversely affected by government corruption – these include the rural and urban poor. The study additionally claims that corruption perception nationwide has decreased between 2005 to 2010. Over the 5-year period, significantly more number of people from the middle class as well as the poorest segments of Indian society surveyed, in all parts of the India,

claimed government corruption had dropped over time, and they had lesser direct experiences with demands for bribes.

Index trends in major states by respective anti-corruption effort

State	1990–95	1996-00	2001–05	2006–10
Bihar	0.41	0.30	0.43	0.88
Gujarat	0.48	0.57	0.64	0.69
Andhra Pradesh	0.53	0.73	0.55	0.61
Punjab	0.32	0.46	0.46	0.60
Jammu & Kashmir	0.13	0.32	0.17	0.40
Haryana	0.33	0.60	0.31	0.37
Himachal Pradesh	0.26	0.14	0.23	0.35
Tamil Nadu	0.19	0.20	0.24	0.29
Madhya Pradesh	0.23	0.22	0.31	0.29
Karnataka	0.24	0.19	0.20	0.29
Rajasthan	0.27	0.23	0.26	0.27
Kerala	0.16	0.20	0.22	0.27
Maharashtra	0.45	0.29	0.27	0.26
Uttar Pradesh	0.11	0.11	0.16	0.21
Odisha	0.22	0.16	0.15	0.19
Assam	0.21	0.02	0.14	0.17
West Bengal	0.11	0.08	0.03	0.01

The above table compares the perceived anti-corruption effort across some of the major states in India. A rising index implies higher anti-corruption effort and falling corruption. According to this table, the states of Bihar and Gujarat have experienced significant improvements in their anti-corruption efforts, while the conditions have worsened in the state of Assam and West Bengal. Consistent with the results in this table, in 2012, a BBC News report claimed the state of Bihar has transformed in recent years to become the least corrupt state in India.

Role of Civil Society in Combating Corruption:

Citizens pay for the government and rightly feel concerned about the abuse of their trust and resources". The big scan¬dals and scams have shaken the people's trust in the government functionaries. There is growing frustration among people who were unable to control corruption because of the strong nexus between politicians and bureaucrats this nexus makes the people.

Vulnerable as it makes it difficult for them to enforce accountability. Cumbersome ad¬ministrative procedures and practices are also among the major. Causes of corruption. However, because of political pressure, vested interests or inaptitude in handling criminal cases, the corrupt are rarely caught and conviction rates are very low. Among the other factor contributing to corruption are lack of accountability, corruption in judiciary, absence of effective corruption reporting mechanisms and discretionary powers of administrative and political au¬thorities.

Parliaments attempt to create a Lok Pal first began in 1968; that bill lapsed with the dissolution of Lok Sabha. The same sce¬nario has been repeated seven times there¬after". No party today can claim it is free of corrupt politicians. Power has tainted every political party that has tasted power. In recent years the magnitude and severity of corruption seem to have assumed alarm¬ing proportions. While corruption has ex¬isted from time immemorial, the last few years have probably seen the

maximum number of scams being unearthed which ran into crores of Rupees. A vacuum has risen against corruption. This vacuum has attract¬ed Anna's team and the likes to fill.

At a time when political class as a whole has failed, a campaign that seeks to pass a law which would make some differences to the efforts to book the corrupt in high posi¬tions is indeed a democratic option. How¬ever, Anna's movement came under criti¬cism by many calling his style of doing it as autocratic. A visible distance between on¬going people's movement in India and the Anna Hazare campaign was highlighted by many Anna's movement also came un¬der criticism for attracting large number of middle class while it failed to get support from minorities and marginalized groups and other people's movements within India. The movement received large number of supporter from among the Academicians, Lawyers, Media, etc.

It was believed that if Anna's move¬ment would have allied with other people's movements it would have added more cred¬ibility to the movement. However, no one can deny the fact that Anna's movement not only attracted people's support for the issue of corruption but also started a debate on the role of civil society in combating cor¬ruption. While enthusiasm for civil society is not universal in either the west or the third world, the dominant discourses are enamored with civil society. It has assumed mythic proportions as a tool of the social imagination, an ideological construct for a good society. Many in India are skeptical about the use of the term civil society because of various reasons. As it has been believed that the western concept of civil society may not be applicable to India. But it is possible to develop a concept of civil society which is grounded in Indian society. In this conception of civil society, the principle sites of ideological contestation will not be confined to struggle over capitalist hegemony, but will also centre on conflict over religion, nation, and ethnicity, through which organizations and social movements seek to assert their normative claims in these varied terrains of civil society. However, the neo-Liberal project has taken over the civil society/ state dichotomy, defending the autonomy of civil society in a way which conceals the use of national and transnational state power to construct a civil society to suit its project 15. In this construct of civil society peasant movements and movements of the rural poor remained outside civil society. "We have to accept that it is not enough that there is a civil society or even a civil society independent of state. It is not something that, once constructed can be left to fend for it; nor is it an institution. Civil societies are what there inhabitants make them. There is nothing in civil society that automatically ensures the victory of democratic projects. All that civil society does is to provide actors with the values, space and inspiration to battle for democracy?" In the light of these arguments there is a need for larger debates on social movements and civil society

When we talk about the role of civil so¬ciety in combating corruption we mainly see towards it more as a battle for development. Corruption is detrimental for development. If the goal of development is enlargement of people's choice, corruption obstructs the way of enjoyment of the choices for people. As mentioned by Samuel Paul large num¬ber of people today are concerned about the spread of corruption, while some others engage themselves in endless debates on the subject. There is another set of people, probably, the majority of our population, who arc concerned but are resigned to the spread of corruption. Some of them may even be cynical about the prospects of con¬trolling it, having concluded that the society as a whole is corrupt and beyond redemp¬tion" However he further hoped that," the chances of success of initiatives by civil society to tackle corruption are brighter than the chances of government initiating actions on its own?".

There is no doubt that civil society can create pressure for policy reform. The task of administrative accountability and procedural simplification can be achieved if vigilant and active civil society organizations take up the responsibility of interacting with the government organizations. Civil

society should engage constructively to get the support for the necessary reform. Civil society can playa significant role in combating corruption by preparing Report Cards as has been done by Public Affairs Centre, Bangalore, using PILs, through organization by providing information to people or by non-violent peoples' movements. By using various methods available, people can also bring the cases of corruption to the notice of authority. Though contested, civil society never been rejected as an autonomous citizen ac¬tion group fighting for democratic princi¬ples and values. But, the momentum gen¬erated by Anna's movement has definitely begun discussion on the subject which may lead to an understanding of constructive role of civil society in the development of a country. Anna's movement is directed towards creating Jana Lokpal Bill, but the issue of corruption is much more vast and deep rooted in society which requires Ho¬listic approach to deal with the problem of corruption. Through its many functions, civil society can create pressure for policy reform and improved governance, as well as explicitly monitor the states actions for fighting corruption and abuse.

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