

CORRUPTION: THE NEED FOR CIVIL SOCIETY ENGAGEMENT

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The present paper analysis different dimensions of the issue of corruption and evaluation the limitations and success of social movements in earbing this menace.

With Anna Hazare's movement, issue of corruption gained centre stage in the academic and political discussions. Mushrooming of corruption scandals eroded peoples' trust in their representatives. Peoples anger was expressed in the form of support which Anna Hazare's movement received. Corruption 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 attempt has been made in this paper to understand role of civil society in combating corruption.

In recent years, the subject of corruption has received considerable attention in India. The mushrooming of scandals in the year 2010-11 became the cause of concern. Corruption is viewed as a key development issue. Corruption has been one of the persistent 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 completely.

With Anna Hazare's campaign, issue of corruption was brought out to the centre stage which raised many questions like, what is the whole debate of corruption? 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 further add to the existing debate on corruption & the role of Corruption is not just a matter of making laws and creating institutions but it is deeply rooted in the activities of society. Thus, necessitating civil society to play a 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 focuses 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 private gain" Corruption is also defined in the following words²:

"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 financial³ Civil society in combating corruption.

Corruption is classified in different ways. Corruption can mainly be classified into *Grand Corruption* referring to corruption of heads of state, ministers, top officials 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.

Issue of Corruption:

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, ethnic origin, etc.

In India, since independence administrative corruption is much talked about and has received considerable attention. Plethora of agencies were 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. (3) 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 government⁴. This directive was struck down by the Supreme Court of India in the famous judgment of the Vineet Narain vs Union of India, (1998) 1SSC 226 case as being violative 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

Government⁵. 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. As pointed out by N. Vittal, "our entire system is designed to dilute accountability and cause delay"⁶.

Political corruption was also in existence since independence but with the introduction of new economic reforms magnitude of political corruption has increased. The process of privatization and disinvestment generated lot of corruption. Privatization opened new opportunities for not only the private capitalists and foreign investors but also for the corrupt ministers and bureaucrats to indulge in corruption. In the wake of globalization large foreign multi-nationals played huge bribes and kick-backs to gain government contracts, secure access to economic policy makers and government officials and avoid bureaucratic redtape related to trade and investment ⁷.

Politics of Corruption in India:

A.D. Gorwala report(1950) was one of the earliest report 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"⁸.

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 footsteps. 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 things⁹. 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.

Narsimha Rao was the first Prime Minister being prosecuted in corruption charges. Cases like-Harshad Mehta security scam (1992), Gold Star Steel and Alloys controversy (1992), JMM bribery case, Hawala scam and Urea scam (1996) also

came up during the period of Narsimha Rao Government. Later years witnessed inushrooming of such scams and scandals with least attention paid by government to curb it. This resulted in the drop of India's ranking in Transparency International's Corruption Perception Index. In Transparency International's Corruption Perception Index, India ranked 72nd in 2007, 74th in 2008, 84th in 2009, 87th rank in 2010, 95th in 2011 and 94th in 2012.

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 regulate¹⁰. For him corruption is one of the major development problems and prevalence of corruption reveals state's unwillingness to enact laws to curb it.

Role of Civil Society in Combating Corruption:

Citizens pay for the government and rightly feel concerned about the abuse of their trust and resources¹¹. The big scandals 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 administrative 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 authorities¹².

Parliaments attempt to create a Lok Pal first began in 1968; that bill lapsed with the dissolution of Lok Sabha. The same scenario has been repeated seven times thereafter¹³. 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 alarming proportions. While corruption has existed 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 attracted 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 positions is indeed a democratic option. However, Anna's movement came under criticism by many calling his style of doing it as autocratic. A visible distance between ongoing people's movement (PM) in India and the Anna Hazare campaign was highlighted by many. Anna's movement also came under 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 movement would have allied with other people's movements it would have added more credibility 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 corruption.

While enthusiasm for civil society is not universal in either the west or the third world, the dominant discourses are enamoured with civil society. It has assumed a 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 (Mark Robinson, 2003). 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 project¹⁵. In this construct of civil society peasant movements and movements of the rural poor remained outside civil society. In this background Anna Hazare's campaign against corruption which attracted mainly middle class and failed to get the support of other minorities and marginalized came under criticism. "We have to accept that it is not enough that there be a civil society, or even a civil society independent of state. It is not something that, once constructed can be left to fend for itself; 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"¹⁶. 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 society in combating corruption we mainly see towards it more as a battle for development. Corruption is detrimental for development. Corruption introduced as an element of irrationality in all planning and plan fulfillment by influencing the actual course of development in a way that deviates from the plan¹⁷. 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 number 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 are concerned but are resigned to the

spread of corruption. Some of them may even be cynical about the prospects of controlling it, having concluded that the society as a whole is corrupt and beyond redemption" 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"¹⁸.

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 organisations. Civil society should engage constructively to get the support for the necessary reform. Civil society can play a 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 action group fighting for democratic principles and values. But, the momentum generated by Anna's movement has definitely began 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 Holistic 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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