

THE ROLE OF CIVIL SOCIETY IN GOOD GOVERNANCE AND EMERGING TRENDS TO COMBAT ENORMOUS CORRUPTION IN INDIA

* Dr. A. R. Jagatap

**Dr. V. R. Betgar

We have representative parliamentary democracy leaving the decision-making to a small group of elected representatives. This could result in government 'of' the people becoming a government 'off' the people. Progressive marketisation of traditional government functions has widened this gap. There is a gap between the not-so-efficient state and the profit-alone-matters private sector which needs a third sector to bridge it. This is how civil society is seen today.

Core ingredients

Governance is the process by which a society manages itself through the mechanism of the state. The core ingredients of good governance are:

People's effective participation, transparency, responsiveness, consensus orientation, equity and inclusiveness, the rule of law, effectiveness and efficiency, accountability, and strategic vision.

These are crucially value-laden and constitute the bedrock of democracy.

Innumerable administrative reform commissions have produced no appreciable impact on the quality of governance. The emphasis now is on facilitating external pressure from citizens on the system to improve through the Right to Information Act, Consumer Protection Act, Citizens Charters, Whistleblower protection, e-governance, Report Cards, Democratic Decentralisation, Public Interest Litigation, etc.

Governance has three levels — internal systems and procedures; cutting edge systems and procedures; and check-and-balance systems

At level (a), civil society can influence policy and project formulation through membership of committees, submission of memoranda directly or through elected representatives, and interactive rule-making in the implementation of policies, projects and schemes affecting citizens. The maximum day-to-day interaction between the government and the citizens takes place and the popular image of governance is formed

at level (b). Interactions of civil society with level (c), infrequent but important, will be more of an exposure of irregularities rather than steps for improvement in the quality of governance.

Functional contribution

Civil society's functional contribution to good governance could be: ¹

- * Watchdog — against violation of human rights and governing deficiencies.
- * Advocate — of the weaker sections' point of view.
- * Agitator — on behalf of aggrieved citizens.
- * Educator — of citizens on their rights, entitlements and responsibilities and the government about the pulse of the people.
- * Service provider — to areas and people not reached by official efforts or as government's agent.
- * Mobiliser — of public opinion for or against a programme or policy.

Civil society acts through 'social capital'— the capacity of people to act together willingly in their common long-term interest. Social capital is strong in a homogeneous, egalitarian society.

Civil society as a whole is, therefore, unable to play its full potential role in enforcing good governance in India except when extraordinary leadership overcomes narrow loyalties, or when an issue is of common, major concern to all sections (like natural calamities). Smaller units of governance and decentralisation of governance are, therefore, indispensable in India.

Individuals cannot take on the huge political-bureaucratic machine that the government is, nor can the entire civil society act on behalf of every citizen. Civil society, therefore, has to operate through compact, focused organisations based on strong social capital.

The Government of India's National Policy on the Voluntary Sector, 2006 envisages encouraging an independent, creative and effective voluntary sector. Support for NGOs, however, cannot be blindly sentimental. The government has to assess their suitability, capability and experience, and evaluate their performance continually.

Efforts to improve the quality of governance will fail if the quality and calibre of the political executive is unsatisfactory. Civil society needs to note the deterioration in the quality, integrity and commitment of the elected representatives and the criminalisation of politics. Voter education, electoral reforms and periodical highlighting of the performance (or non-performance) of elected representatives are high priority items in civil society's agenda.

Democracy is not a spectator sport (though politicians make a spectacle of themselves!) Parliamentary democracy becomes participative democracy only with civil society's active role.

India has seen a lot of corruption in the last 64 years since independence but was not noticed until 48 years. The economy of India was under socialist-inspired policies for an entire generation from the 1950s until the late 1980s. The economy was subject to extensive regulation, protectionism, and public ownership, leading to slow growth.^{[3][4]} There was also pervasive corruption in a system of bureaucratic controls (License Raj), which was often at the core of corruption. The Vohra Report of 1993, submitted by the former Indian Union Home Secretary N. N. Vohra, studied the problem of the criminalization of politics and of the nexus among criminals, politicians and bureaucrats in India. The report contained several observations made by official agencies on the criminal network which was virtually running a parallel government. It also discussed criminal gangs who enjoyed the patronage of politicians – of all political parties – and the protection of government functionaries. It revealed that political leaders had become the leaders of gangs. They were also connected to the military. Over the years criminals had been elected to local bodies, State Assemblies, and even the Parliament.

Corruption is one problem that has been highlighted far and wide by the media over the past many years. The government, too, has seemingly taken steps to curb this menace, but they are not enough. According to the 2007 Global Integrity Index, there is

a significant gap between the efforts in terms of planning and the implementation. The legal framework is no doubt one of the finest in the world, and has received high scores in terms of anti corruption laws and institutions. An analysis conducted by Transparency India in 2007 to bring to the government's attention the gaps existing between the UN Convention against Corruption (UNCAC) and the legal and institutional framework. The report concluded that while most of the regulations were in line with the UNCAC, the area of whistleblower protection was still a problem.

INDIANS' anger over rising corruption has reached feverish levels. What people are calling a "season of scams" includes the alleged theft of billions by officials behind last year's Commonwealth games in Delhi; \$40 billion in revenues lost from the crooked sale of 2G telecoms licenses; and over \$40 billion stolen in Uttar Pradesh alone from schemes subsidizing food and fuel for the poor. Foreign businessmen, who have slashed investment over the past year, rank graft as their biggest headache behind appalling infrastructure. Now India's anti-corruption chief has been forced out over, well, corruption. Bofors scandal brought down the government in 1989. But there seems to be more of it about than ever, if only because India is getting richer fast, and the faster the economy grows, the more chances arise for mind-boggling theft. The government says that in the next five-year plan period, which starts next year, \$1 trillion will be spent on roads, railways, ports and so on, with billions more on re-equipping the armed forces and welfare. Add in an insatiable appetite for scarce land, water and minerals and a monsoon of bribes is Corruption is one problem that has been highlighted far and wide by the media over the past many years. The government, too, has seemingly taken steps to curb this menace, but they are not enough.

Irrespective of that, as mentioned earlier, the enforcement of these laws and regulations in any format is incomplete and inadequate. The 1988 Prevention of Corruption Act states that any person involved in any kind of active and passive bribery, extortion, bribery of foreign officials, abuse of office and money laundering should be criminalized. Another act, the 2002 Prevention of Money Laundering Act, has received active participation from state governments that have laws to address this area of concern.

Despite all this, the main problem with enforcement of the strict laws for corruption is because the political parties in power, even though they are ever

enthusiastic to curb this problem, are helpless till the time the common man strives to eradicate this problem. Even today, people are willing to pay some extra commission in government offices to get the job done in the right manner, and this is the root cause of the problem. As long as there will be people willing to pay under the table, the demand for the same would exist, and the country would never be able to get rid of this problem.

Another issue that has been continuously plaguing the legal framework is that of the lack of a whistleblower protection program. After the murder of Satyendra Dubey, who had exposed the National Highway Authority corruption scandal, in 2003, the government has issued a resolution known as the Public Interest Disclosure Resolution (PIDR), which authorizes the Central Vigilance Commission (CVC) to be the 'Designated Agency' for receiving complaints against corruption. However, these kinds of actions would not be effective till the time politicians and those with power are able to threaten the whistleblowers. Strict action is needed at the source for such initiatives to be effective.

STATEMENT OF PROBLEM

Today corruption has been spread like viral epidemic across the world, especially in developing countries like India Pakistan, Bangladesh, South Asian and some African countries. Corruption has been an established norm in our civil society. People, political institutions bureaucrats, industrialists, business people and other category of society are held responsible for uncontrolled growth of corruption in the nation. They are all stakeholders and equally must hold accountability for combating evil practices like corruption, bribery, misuse of public funds, sharing commission through government tenders/bids for developing works and other illegal practices in India. India has witnessed corrupt practices since origin as a state and today it has full-fledged to be most corrupt in the world. Federal Governments at centre and states are not in a position to hold control over this problem. At this juncture, one has to think in terms of getting it solved forever, at the same time anti-corruption movements have been started across the country. People have extended their support to the leaders and organizations; those involved in anti corruption movements in India. The issue has been widely supported by intellectuals and those who share their concern over this evil practices in India and abroad also. The social leaders like Anna Hazare and Yoga Guru

Ramdev have virtually declared war against the corruption and government for its involvement.

SIGNIFICANCE OF THE STUDY:

Since corruption a major and general problem of the country, one has to take some initiations to stop it forever in order to get the public works done on the basis of priority. This is a very good situation which has emerged in India to naught the cats to combat corruption through the popular initiation of the Jana Lokpal Bill the parliamentary history of India. The people across the country have extended their overwhelming support to the civil leaders like Anna Hazare and Yoga Guru Ramdev to continue their fight against corruption and accumulate black money which is kept in international banks for the over all development of the country. Government of India has already formed a joint committee to draft the popular Lokpal Bill to eradicate corruption as a whole.

POLITICAL CORRUPTION

The public trust in democratic processes in India is seriously undermined by opaque financing of electoral processes, widespread bribery and other forms of corrupt practices. The 2007 Global Corruption Barometer reveals that political parties are perceived by Indian citizens as one of the sectors most affected by corruption in the country, with a score of 4.6 on a 5 point scale. Freedom House 2008 reports that the electoral system relies on black money obtained by dubious means, including tax evasion. Although politicians are regularly involved in major corruption scandals, investigations are rare and very few politicians and civil servants have been convicted. Circumstantial evidence confirms that practices such as buying votes with bribes or promises, conflicts of interest, or state capture are common in India. In December 2005, 11 members of parliaments were accused of accepting cash for raising specific questions in Lok Sabha sessions and subsequently forced to resign. More recently, a Parliamentary Enquiry Committee was established to look into the alleged cash-for-votes scam during a trust vote that took place in July 2008. Three parliamentarians displayed wads of currency notes alleging that huge sums were offered to them to save the Manmohan Singh government. The report presented in December 2008 found the evidence unconvincing and recommended further investigations on the role played by the three parliamentarians.

(<http://www.rediff.com/news/2008/dec/16upavote-cashfor-vote-scam-report-referred-to-home-ministry.htm>).

The entry of criminals into politics - despite laws requiring public disclosure of candidates' assets, criminal records and educational backgrounds - is another alarming facet of political corruption in India. According to *The Economist*, more than a fifth of federal parliament members in 2008 faced criminal charges. Of the 522 members of India's current parliament, 120 are facing criminal charges; around 40 of these are accused of serious crimes, including murder and rape.

Some are inclined to shrug their shoulders. After all, corruption does not seem to be stopping India from growing. Yet imagine how much better the country would be doing without it. Corruption raises costs not just to Indians, but also to the foreigners whose capital India needs. Thanks in part to those scandals; India's stock market was the worst-performing outside the Muslim world over the past year.

Law enforcement, however, remains weak, suggesting a lack of political will to effectively address corruption challenges in the country. The Legal Framework the 1988 Prevention of Corruption Act criminalizes corruption in the public and private sectors in the form of active and passive bribery, extortion, bribery of foreign officials, abuse of office and money laundering. There is also a 2002 Prevention of Money Laundering Act (amended in 2005). At the local level, state governments have state laws that address specific aspects of corruption. The 2005 Right to Information (RTI) Act represents one of the country's most critical achievements in the fight against corruption in recent years. Under the provisions of the Act, any citizen may request information from a "public authority" which is required to reply expeditiously or within 30 days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information for easy citizen access. This act provides citizens with a mechanism to control public spending. In the first year of National RTI, 42,876 (not yet official) applications for information were filed to Central (i.e. Federal) public authorities. According to the Central Information Commission, RTI applications have annually increased by 8 to 10 times annually. Less than 5% of the million applications for information have been denied information under various exemption categories.

Indian Society is a multifaceted heterogeneous society consisting of Hindus, Muslims, Sikhs and Christians further segregated into Brahmins, Kshatriyas, Shudras and Vaishyas. The society is still further divided into upper class, scheduled castes and

scheduled tribes. Another division of the society is based on the basis of main fifteen languages being spoken across the nation starting from Pushto in Kashmir to Malayalam in Kerala and Bengali in Bengal to Marathi in Maharashtra. Another division of society was created in 1947 and that is majority and minority. Yet another division of society is based on caste - such as Yadav, Rajput, Jat, Gujjar etc., finally another division is "India of Rich" and "India of Poor". Still India of 120 crore people stands united. The Constitution of India with its theme of "Unity in Diversity", claims that it is because of it that India is still united and strong. But Aam Admi feels otherwise. He blames the Constitution for an India which is poverty stricken, weak, corrupt, overpopulated, atankwad-troubled, unemployment, badly divided (into categories- rich and poor- upper class and scheduled class - Hindu Muslim Sikh Isai - Majority minority etc.), Illiteracy, full of black money, full of day to day crime, crime against women, failing judicial system with about two crore pending court cases, freely roaming criminals, communal clashes, violent demonstrations, weak coalition government frequent elections, never retiring old politicians, criminal turned politicians, filth filled because of non working municipalities, indiscipline even in parliament and state assemblies etc. etc. *Official website: www.constitutionalreformsagenda.com*

Transparency International

This corruption study covers 31 states and union territories and is focused on poor and rural areas. It includes below poverty line peoples in both rural areas and urban slums. (TI India-CMS 2007 Corruption Studies) (2008) – MDRA Study on Corruption in Trucking Operations (2006) This report is based on a study to assess the nature and extent of corruption in trucking operations, using both quantitative and qualitative research methods. The report found that, for every kilometre covered by commercial trucks, an average Re. 0.70 per km is paid out in bribes

UNCAC Gap Analysis This gap analysis was conducted by TI India in 2007 to identify the legal and institutional gaps existing between the convention's requirements and India's legal and institutional framework. (<http://www.transparencyindia.org/> Global Corruption Report 2008 and 2007). The country report section of TI's Global Corruption Report provides an overview of corruption-related problems in a selection of countries, worldwide including India.

"*Transparency International* study is not at all surprising as some of the most significant legislations have not yet been passed. The Lok Pal Bill, declaration of assets

by politicians, auditing of accounts of political parties, speedy trial of erring politicians, forfeiture of illegally acquired property and many other such legislations are in a limbo," says Admiral R.H. Tahiliani, former Governor and Chief of Naval Staff and now chairman of *Transparency International* [India]. Tahiliani's utterances are buttressed by the fact that political leaders are not willing to talk on the subject of corruption. Repeated attempts at getting in touch with Arun Shourie and Manmohan Singh---two of the most upright people in politics---drew a blank with the personal assistants of both saying their bosses were not interested in talking on the subject of corruption.

According to the study the main breeding ground for corruption is the Indian political system, which has been supported wholeheartedly by the bureaucracy. Corruption, says the report, has reached such gigantic proportions because the electoral system is such that it requires sacks of money." When the bureaucrat sees that the politician is corrupt then there is no fear. *Yatha Raja Tatha Praja* [what the king does, so do the people]. If the king is corrupt the population too will be corrupt," says Tahiliani.

According to the TI study there are perceptible linkages between poverty and corruption. "If the political leadership is serious in tackling poverty as it professes, it has to deal with corruption first," feels Admiral Tahiliani.

Many academicians say that socialism is the fountainhead of corruption in India. Since independence the state has had a say in everything. If one wanted to start an industry one had to get a license, if one wanted to close it one needed a prior permission. If one wanted to increase production one had to inform the concerned ministry. It was the *licence Raj* that became the breeding ground for corruption.

Now, as the state begins easing its grip on basic necessities, corruption levels too are declining. Take, for example, the privatisation of power in Delhi. Under state control there were the spate of corruption charges against it. Now with privatisation, things are improving dramatically. However, says Admiral Tahiliani, "Corruption abounds in areas where citizens have to interact with the state departments like the police, health, housing, taxes, municipalities or licenses for starting businesses."

Measures to combat corruption

Corruption is a cancer, which every Indian must strive to cure it. Many new leaders when come into power declare their determination to eradicate corruption but soon they themselves become corrupt and start amassing huge wealth. There are many myths about corruption, which have to be exploded if we really want to combat it. Some of these myths are: Corruption is a way of life and nothing can be done about it. Only people from underdeveloped or developing countries are prone to corruption. We will have to guard against all these crude fallacies while planning measures to fight corruption.

- Foolproof laws should be made so that there is no room for discretion for politicians and bureaucrats. The role of the politician should be minimized. Application of the evolved policies should be left in the hands of independent commission or authority in each area of public interest. Decision of the commission or authority should be challengeable only in the courts.
- Cooperation of the people has to be obtained for successfully containing corruption. People should have a right to recall the elected representatives if they see them becoming indifferent to the electorate.
- Funding of elections is at the core of political corruption. Electoral reforms are crucial in this regard. Several reforms like: State funding of election expenses for candidates; strict enforcement of statutory requirements like holding in-party elections, making political parties get their accounts audited regularly and filing income-tax returns; denying persons with criminal records a chance to contest elections, should be brought in.
- Responsiveness, accountability and transparency are the must for a clean system. Bureaucracy, the backbone of good governance, should be made more citizens friendly, accountable, ethical and transparent.
- More and more courts should be opened for speedy & inexpensive justice so that cases don't linger in courts for years and justice is delivered on time.
• Local bodies, Independent of the government, like Lokpals, Lokadalats, CVCs and Vigilance Commissions should be formed to provide speedy justice with low expenses.
- A new Fundamental Right viz. Right to Information should be introduced, which will empower the citizens to ask for the information they want. Barring some confidential information, which concerns national and international security, other

information should be made available to general public as and when required. Stringent actions against corrupt officials will certainly have a deterrent impact.

CONCLUSION

The above mentioned suggestions based on the findings are really taken into consideration for policy making and implementation; obviously it would help to solve the social, political, and economic problems of the country. We have witnessed that some legislations have been passed in Indian Parliament on the suggestions based research works. For instance, legislations on decentralizations of powers to the Panchayati Raj and urban local bodies are the best examples of potential contributions to Indian society not only to the knowledge in the field of social relevance but also for the national development.

Corruption is an intractable problem. It is like diabetes, can only be controlled, but not totally eliminated. It may not be possible to root out corruption completely at all levels but it is possible to contain it within tolerable limits. Honest and dedicated persons in public life, control over electoral expenses could be the most important prescriptions to combat corruption. Corruption has a corrosive impact on our economy. It worsens our image in international market and leads to loss of overseas opportunities. Corruption is a global problem that all countries of the world have to confront, solutions, however, can only be home grown. We have tolerated corruption for so long. The time has now come to root it out from its roots. The social, political, economic, religious and cultural trends are significantly giving immense scope for this type of research works in humanities and social sciences in India as well as in the world. An urgent political insurgency is essentially required to stop such worst practices in the world. The UN resolution to safeguard human rights- is another supporting task for these insurgencies- in the wake of civil movements. The voluntary organizations, unorganized sectors, the unemployed graduates and parents and all other like minded society has to come forward a very strongly to stop and combat such evil practices. At this juncture, a whole heartedly support and help across the world is appreciated for uprooting such incurable phenomena.

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