

ROLE OF CIVIL SOCIETY TO CURB CORRUPTION IN INDIA IN THE PERIOD
BETWEEN 2005 AND 2012

A Thesis

SUBMITTED TO
TILAK MAHARASHTRA VIDYAPEETH, PUNE
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
In Political Science

Under the Board of Moral and Social Sciences Studies



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January 2019

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Acknowledgments

I thank Almighty God, Honorable Vice Chancellor Dr. Deepak Tilak sir for providing me the opportunity of doing this research at Tilak Maharashtra Vidyapeeth. I would like to thank my guide Dr. Maroti Chandoba Pawar, HOD Dept Political Science Dr. Manik Sonawane, Dr. Vishal Jadhav, my parents and family members particularly my beloved wife, all my close friends, Dr. Avinash Kulkarni, Prof. Sheebu Nair, Library staff of TMV, officials of Ph.D section and every one for extending their valuable help as and when called for.

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1. INTRODUCTION

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1. 1. Background

Considering the context of corruption in India we can see that there are references to this subject even in ancient times. In economic context, Kautilya says that this issue can be seen at several levels viz political, administrative and in business areas. He further mentions that government personnel indulge in corrupt practices and consume a portion of the State income. This is even true in the modern era.

The misuse of power can be seen worldwide. None of the governmental systems have been able to eradicate corruption completely. Historically this issue can be seen since ancient times in all places. Giving and taking of bribes were rampant in Egypt, Babylon and Greece on a large scale. As the Greek nation State underwent development the authorities associated with power started to misuse it. When economic development took place then the value system went down the drain and the political commitments took a back seat.

In human society the need for law and ethics are paramount. Even though the right to liberty is fundamental the need for regulating human behavior to suit the society is equally important. Corruption is part and parcel of a constitutional types of governments as per Gibbons. This cannot be accepted completely as a fact as it has been equally true for other type governmental structures.

As per sociologists there are three major aspects for corruption, scarcity, greed and ambition for power. This can be observed mostly in developing countries. As most of these countries were colonies of the British and a few other European nations, they faced scarcity of resources and thus prudent to corruption. This aspect cannot be singled out for poor countries, as even richer countries are facing the issue of corruption. As the saying goes” Absolute power corrupts absolutely” this attitude is manipulated by religious groups, capitalists, leaders of trade unions etc. are misused for corruption. Even though ideally a corrupt free society is envisaged, practically this does not exist.

Corruption can be seen even in benefits that is transferred from developed countries to developing countries in form of aid. The intention of providing this aid is for the upliftment of the poor. As previously mentioned that scarcity is one of the root causes of corruption, this happen frequently in poor countries. The interaction

between government and the market practices give rise to corruption. To tackle this issue when studies are also undertaken, the collected data is soft in nature, unreliable and often masked. It is also seen that the people who are responsible to monitor corruption also indulge into it.

The Indian Constitution guarantees Right to freedom of speech and expression under the Article 19 (1) (a) to all of its citizens. In the year 1975 the Supreme Court of India upheld this right through its judgment which formally became Right to Information Act in the year 2005. With the civil society led struggles for more than two decades, this legislation was adapted by a few Indian States and eventually implemented for the entire country¹. The pioneer social activist Shri. Anna Hazare led his movement against corruption in the last decade of the 20th century. Starting from Maharashtra his movement all over India eventually. Further he also led the movement against corruption which culminated into the Lokpal Act in 2013.

Fundamentally corruption is more of a cultural problem than a regulatory issue. Considering the Lokpal Act being implemented in the light of uprooting corruption seems very far-fetched. As per the sociologists this is a deeply ingrained problem which involves the misuse of power to get illegal fulfillments which is immoral. This is in particular to be seen in un-developed societies as funds and benefits for the poor are diverted and misused by people in power².

Increasing inequality

Considering the most economically developed country i.e. America we see that their style of living and principally based on competition and excess consumption leads to inequality. Accumulation of wealth has become a basic nature of modern society. This effect also can be seen in the developing countries like India even though it has accepted mixed economy. Exhibition of wealth, excessive consumption of goods and aggressive life style approach can be seen at every level. Similarly this effect is also noticed in India, with a niche section of society using natural resources more than the larger section of society. The use of corruption for bribing

¹ Jan Lokpal bill 2010-Jan Lokpal bill 2011, <http://www.sarkarijob.co.cc/2011/04/jan-lokpal-bill-2010-jan-lokpal-bill.html>, last accessed on April 21, 2011 at 21:29 IST.

² "Corruption in India – A rotten state". The Economist. 10 March 2011

politicians and bureaucrats to acquire resources of production at dirt cheap prices has substantially increased from 1991 onwards when India adapted new economic reforms. This is reflected in the tax rebate given to the corporates amounted to rupees 72,881 crores in the financial year 2009-10 and further estimated to increase it to rupees 88,263 crores in the financial year 2010-11 respectively. The argument given for this tax rebates is justified by saying that this help to the corporate sector will in turn help the sustenance of employment, which is a politically sensitive issue³.

Morally unjustifiable

The diversions of funds of various social development projects if not done by the State would have increased the education levels, reduced deprivation, and overall strengthened democracy. This social corruption has led to further poverty and increased the gap between rich and poor within India. The tax concessions benefited by the private sector has also benefited the political parties as they are contributing into their purse. The rampant corruption during elections by the political class by bribing the deprived class with allurements further weakens the stance to be taken against corruption. Baring the political class, the bureaucracy which happens to be a learned class is also equally involved into corruption either participating in it or a few who keep a blind eye towards it. Even though media is considered as the fourth state we see that they cover topics which are commercially beneficial for them and ignore socially relevant issues⁴.

Repackaged for digital age

With the advent of internet emerging as a medium of disseminating content to the masses it has also played a major role in creating awareness about corruption and many other topics. As per the previous media the digital media has also its biases in presenting the news to the public at large. With little control over the social media the contents are mostly provocative and imbalanced. With the revelation of the Cambridge Analytica misuse of Facebook user profiles for manipulating the news as per the group tastes and natures of likeness to create political bias in turn to rig

³ "Corruption watchdog hails Bihar, MP govt's as best service-providers". Times of India. 21 April 2011. Retrieved 4 December 2011.

⁴ "Hazare disbands Team Anna, says no talks with govt on Lokpal". The Times of India. 6 August 2012. Retrieved 23 November 2013.

elections is a classic example of the misappropriation of digital media. It is observed that corruption varies in degrees as per social classes in society⁵.

1.1.1 Civil Society

Organizations run by volunteers which bridges the gap between State and household, with substantial autonomy are called as Civil Society Social Activists, Trade Unions, Welfare services , Religious, Non-Governmental and Community based Organizations (CSO) all are included in Civil societies⁶. The active societal change, economic development, and community mobilization are a few areas in which the CSO's contributions are significant. Involvement at local, national and international levels, these CSO's help in asset mobilization, advocacy, capacity building, representation and delivering various allied services. As per the needs these organizations are formed with aims and goals to fulfill a specific purpose. Attaining sustainable socio-economic outcomes by deploying collective action of individuals for the common good of people, the Civil Society has a critical place in the development process. Protecting and promoting the important rights of citizens, the Civil Society play a vital role. More the participation of Civil Society in tandem with the government better the involvement of its citizens and vice versa.

The wise understand that corruption is not outside the social framework. It is a output of a specific social environment. Misuse of power by an individual in position and having a biased approach towards specific individuals gives rise to favoritism. Further this type of behavior benefits the near relatives of that individual is known as nepotism. Focusing on gains to a particular religious or caste group evolves into communalism. This can be called as systematic practice of corruption. Selective preference given to specific individuals and influencing decisions are also considered as a kind of corruption. This proves that the general public are not social conscious of the effects of such behavior which leads to masked corruption.

Keeping the people in the center if policies and systems are designed the chances of corruption would be minimum. Involvement of people, particularly at the

⁵ "Team Anna 2.0 announced, will tour country from January 30". NDTV. 10 November 2012. Retrieved 23 November 2013.

⁶ Alagappa, Muthiah. Civil Society and Political Change in Asia. Stanford: Stanford University Press, 2004. ISBN 0-8047-5097-1

ground level helps in better outcomes. There is an undercurrent towards transformation of development policies for the welfare of its citizens with their participation and use of public private partnerships.

1.1.2 Four levels of Civil Society

At the first level there are informal groupings that address immediate issues concerned about the community. These groupings are grassroots based organizations which deal with community challenges at the base level. Further on the second level there are civil society organizations which support the first level groupings for advocacy, research and service delivery. These organizations operate in three regions viz. national, state and local areas. They are formal and structured in nature. On the third level, exists networks of national associations and federations with the objectives of sharing information, planning strategies and defending common interests etc. Civil society. These organizations works as an umbrella organization for several second level organizations. The final level are platforms used for common dialogue by several umbrella networks and other formal organizations⁷.

1.1.3 Civil Society and Right to Information

The concept of right to information originated from Sweden in 1776. Further countries like America, Norway, Denmark, Iceland etc. adapted on similar grounds. Then the United Nations Organization (UNO) declared right to information under the Universal Declaration of Human Rights (UDHR) in the year 1946. During the World Summit on Information Society, held at Geneva on 8th December 2003 undertook a Civil Society Declaration. The salient features of the Declaration are as follows.

- A) The fundamental base of this declaration was to build information and communication societies that are equitable, inclusive and keeping the people at the centre as its objective. The purpose being to empower people to improve their quality of life and achieve their full potential by sharing, creating, freely accessing, utilizing and by disseminating the information among themselves.

⁷ Alagappa, Muthiah. Civil Society and Political Change in Asia. Stanford: Stanford University Press, 2004. ISBN 0-8047-5097-1

- B) The opportunity to participate in the process of communication, to be able to exercise their right to freedom of opinions and expressions. Not barring any media in dissemination of expressing thoughts, receiving, seeking and imparting the information as the basic right.
- C) As information and communication are elementary for the decision making, debate and maintaining transparency in a healthy democracy. Information is vital for the citizens to make the need choices based on appropriate awareness of alternatives and opportunities. Revitalization of democracy can aptly take place with the culture and practice of cooperation with the free flow of information.

1.1.4 Indian Civil Society of Right to information

Based on the American “Freedom of Information Act” (FOA), India too adapted the process of “Right to Information Act” (RTI). In the year 1975 as per the judgment given by the Supreme court in the case “State of Uttar Pradesh v Rajnarayan” says the citizens of India have the rights to know about the working of the public offices as well as the public servants. Further in the year 1997 Tamil Nadu was the first Indian State to ratify the Right to Information Act. In the state of Maharashtra, Shri Anna Hazare’s efforts yielded in the ratification of the RTI Act on 23th Sept 2002. Then in the year 2005 the entirety of India was encompassed under one RTI Act, except for the State of Jammu and Kashmir.

The RTI Act empowers CSOs to understand and also get involved into the social transformation and governance processes, to evaluate, monitor and review government schemes, policies and programmes. The CSOs with the use of RTI Act can permeate accountability and transparency in the Government administration. This act will enable CSOs to curb misuse and abuse of public resources. The various uses of RTI by the CSOs are as mentioned below.

- A) Whenever the effectiveness and responsiveness of the State is in question this Act can be a powerful tool to check the delivery of basic services by the CSOs.
- B) Educating the masses about the RTI Act can be also undertaken by CSOs to increase the awareness for accessing information.
- C) The CSOs can be a platform for the citizens in representing and negotiating their say vis-s-vis the State.
- D) Using this Act the CSOs can encourage social equity and good governance by monitoring the market and State performances based on the information accessed by them.
- E) Abuse of human rights, governance and misuse of law by the Government authorities can be identified by using this Act.
- F) Monitoring of public expenditure, policy implementation, current legislations and other drawbacks can be identified using this Act.
- G) A social audit tool can be implemented by the CSOs for the accountability of State authorities and policies.
- H) Bringing to the notice of public the Do's and Don'ts of the RTI Act can also be undertaken by the CSOs.
- I) Important decisions and outcomes of RTI cases can be disseminated by the CSOs to the public using their multiple platforms.

Under the RTI Act the CSOs can avail various information from the government authorities. Government contracts and their details of engineering work, estimates, payments given, used materials, inspection, progress reports, drawings, account

records etc. can be requested. The exposing of crony capitalism between the corporates and public works can be aptly dealt with the use of the RTI Act.

The Right to Information Act has several salient features which has given the Indian citizen the power to ask for information from several public sector undertakings and government departments barring a few. Every above mentioned organization has to have a Public Information Officer (PIO). This officer is responsible of collecting the requested information by the citizen and has to provide him within thirty days. In case of failure to provide the requested information will be considered as failure of duties and if found valid then the PIO will be punished with a penalty of rupees two hundred and fifty per day and maximum up-to rupees twenty five thousand.

1.1.5 Types of Corruption

Abuse of power, bribery, unethical, immoral values, and dishonesty by people in power is termed as corruption (Oxford). Illegal or bad behavior by the position held by the authorities (Cambridge). As per Rousseau the French thinker defines corruption as “the abuse of public office for private benefit”⁸. Fundamentally corruption can be classified into three types viz. petty, grand and systematic.

Petty corruption is an occurrence that happens on a daily basis done by low and mid-level public officials during their interactions with ordinary citizens. This type of corruption occurs mostly at the basic level where the public access services like schools, hospitals, police department, licensing offices and other such service agencies.

Grand corruption is an occurrence that happens at the highest level of the government machinery of a State’s economic, political and legal system. This happens mostly in dictatorial or authoritarian government and also in other who have inadequate policies and implementation issues against corruption. Further mostly the governmental structure is divided into three organs viz. Legislature, Executive and the Judiciary. This design has been adapted for the independent and smooth working which is subject to less of grand corruption.

⁸ http://file.scirp.org/Html/19-1760972_67745.htm

Systematic corruption is an occurrence that happens primarily due to the weakening of an institution or procedures. The systematic corruption consists of elements which include culture of impunity, conflicting incentives, low pay, and lack of transparency, monopolistic and discretionary powers. Countries with weak systems are more prone to this type of corruption at both centralized and de centralized levels. Rampant use of corruption can be seen when extortion, bribery and embezzlement is the norm rather than an exception⁹.

Money or favors provided to specific persons in public or private enterprises like pay offs, sweeteners, gratuities, baksheesh, grease and speed money etc. are equivalent to bribery. Embezzlement is a serious offence when the public resources are misappropriated by the officials in power for which they are supposed to be protecting. In a legal perspective this does not involve two individuals but is a form of theft where the official benefits from the organization's resources. The ruling elite benefits from embezzlement as a resource extractive exercise mostly seen in thoroughly corrupt countries¹⁰. Another form of corruption is straddling where the members of a ruling family benefits from government contracts. Knowingly ignoring the lacunas in an economic crime by the public officials to share its benefit is termed as fraud. Extortion is generally practiced mostly on people who are involved in corruption. It is an extraction of illegal money from people who gained from corruption. Favoritism is a type of corruption where the public official favors his/her friends, family and relatives against the prescribed ethical norms. A preference given to grant a contract to the nearest member of the family of/by a public official is a form of corruption known as nepotism.

1.1.6 Political Corruption

More the power more the corruption can be seen in some societies. It is also noticed that as the need of democratic principles are to be followed for a welfare state are not followed. The mobility between corruption and politics creates a situation of not having good governance, which particularly seen in the Indian context. We can observe that the basic elements like commitments, self-sacrifice and goal orientation

⁹ <https://en.wikipedia.org/wiki/Corruption>

¹⁰ Almond, G., & Verba, S.; 'The Civic Culture: Political Attitudes And Democracy In Five Nations; 1989; Sage

for politics are rarely seen. In the book “The Republic” by Plato mentions that the state workers and statesmen should follow the principles benefiting public by their thoughts and work. This can be primarily observed in people who are celibate.

Today selection of politicians do under take the stringent ethical measures needed. The misuse of the Executive position by the politicians are one of the prime reasons of corruption. As per Shri Jay Prakash Narayanan, the reason of increasing corruption in India is due to political influence over social life in general. Trade, business, private or government administration, commerce and education areas are influenced mostly corruption. This situation threatens the very existence of nation state which has adopted democracy and socialism.

Political corruption has been attempted to be understood by the use of sophisticated analysis. The definition of corrupted politics itself cannot have a single approach. Defining legitimate politics is a very vague concept. Research has brought to the notice institutional, political and bureaucratic locations of corruption. The interest of private benefit supersedes the public duty and thus give way to corrupt practices.

As per Susan Rose-Ackerman the most important implications for democratic societies is the bureaucratic and legislative areas and the current political corruption as cultural and economic phenomenon. Further Patrick Dobel’s general theory of corruption is with reference to classical thinkers on contemporary political era. He proposes a few ideas for the curbing of corruption in a practical way. Research Scholars have attempted to study political corruption in global context but have not yet come up with concrete conclusions.

Few cases of corruption investigated in India are as follows:

- A) In the year 1963 the Das Commission investigated into the involvement of the then Chief minister of Punjab, Shri. Pratap Singh Kairon who was found guilty of amassment of assets more than his income.

- B) In the year 1965 the Iengar Commission investigated into the involvement of the Minister Shri. Bakshi Gulam Mohhmad of the State of Jammu and Kashmir about allegations favoring his family members and was found guilty.

- C) In the year 1967 the Iyer Commission investigated into the involvement of the Chief Minister Shri. Krishna Vallabh Shahai and his five Minister of the state of Bihar into the issues like misuse of power, straddling, misappropriation of government funds and found guilty.
- D) In the year 1967 the Khanna Commission investigated into the involvement of the Chief Minister Shri Biju Pathnak Biren Mitra, Sadashiv Tripathi and other twelve ministers into the misuse of power and found Shri Biju Pathnak guilty.
- E) In the year 1968 the Mittal Commission investigated into the involvement of the Chief Minister Shri R.N. Singhdev and other Ministers of the State of Orrissa into their involvement of corruption in passing the tender concerning Tendu leaves causing losses to the exchequer of rupees forty lakhs.
- F) In the year 1977 the Shah Commission investigated into the involvement of the Smt. Indira Gandhi and the Ex Defence Minister Shri. Bansilal into the misuse of power and found them guilty. Further on them and Shri. Dinesh Singh the Gupta Commission in the same year also inquired into the unnecessary involvement into the business of Maruti Car Company. Reddy Commission also inquired Shri.Bansilal's involvement into corruption.
- G) In the year 1977 the Grover Commission investigated into the involvement of the Chief Minister Shri Devraj Aras and a few Cabinet Ministers of the state of Karnataka into corruption and misuse of power.
- H) The latest conviction in the year 2017 of the former Chief Minister of the State of Bihar, Shri. Lalu Prasad Yadav of his involvement into the embezzlement in the fodder scam.

1.2 Indian Democracy

The issue of corruption is also a big challenge in India as it is the largest democracy in the world. Corruption is an issue that people have to face on a daily basis at the grass root and national level. With the freedom struggle focusing on throwing the British rule, Indians had no previous experience of democracy. This

limited the people's participation only to voting which they consider as democracy. With the diversity of languages and culture in Indian context it further adds on to the difficulty of common administration throughout the country which in turn perpetuates corruption. Even though India became independent since 15th August 1947 yet there are around 300 million people below poverty line¹¹.

The social spending schemes like the National Rural Health Mission (NHRM) and Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) are projects where siphoning off public funds are done by corrupt government officials on a large scale. The transport industry in India also faces tremendous issues of corruption as goods are majorly transported using roadways. Every district and state level police and other authorities like octroi etc. are where corruption takes place either to avoid harassment or to circumvent rules.

Media in India which is considered as the fourth state and has the important responsibility of monitoring and appropriately reporting the legislature, executive and judiciary arms of the government is itself involved in corruption. Whenever international media exposes some form of corruption where Indians are involved then the Indian media shows vigor in reporting those cases so as to show themselves in good light. Most of the Indian media is either owned by either the politician or the corporate sector. This unholy alliance further fuels them in indulging in corruption for their own benefit.

1.3 Indian Bureaucracy

As one of the important organs of the government the Executive plays a vital role of delivering the services to the people. The first social scientist to conduct a systematic study of bureaucracy was Max Weber. He described it as the most efficient and rational form of organization. The ideal type of bureaucracy according to him had several characteristics such as , organized structure of officials in a specific jurisdiction, Offices arranged in hierarchy, office rules manual, Anonymity, Unbiased application of rules and political neutrality.

¹¹ <https://www.encyclopedia.com/social-sciences-and-law/political-science-and-government/political-science-terms-and-concepts-110>

A civil service with a neutral approach was adopted by India too based on the Weberian model of bureaucracy. Political insulation of a bureaucrat is a prime condition in their functioning. They cannot participate indirectly into political activities nor contribute into their funds. The bureaucrat cannot stand for elections or express his or her opinion on political issues¹².

The interaction between non state and state actors primarily breeds corruption. On one hand is the bureaucrat and on the other is the supplier of bribes. This condition can be observed from the grass root level to top levels of the executive. General public, Non-Governmental Organization (NGO), corporates etc. are the non-state actors who involve in the practice of corruption. There are many theories which highlight the role of either the bribe giver or the taker¹³.

In the area of corruption the role of State institutions are also involved. It can take place in between the various organs of the government viz. legislature, executive and the judiciary. The corruption does occur in between the various civil service departments, local authorities and public enterprises. Personal relationships, loyalty, overlapping and conflicting authority, political power struggles, access to scarce resources, manipulated information etc. are the main areas of bureaucratic corruption. Lack of administrative transparency and accountability, deficient auditing and political control, unprofessional bureaucracy, fragile separation between party politics and civil service leads to corruption.

Where there is no involvement of government officials, we see the issue of corruption within the semi government and private organizations too. Various malpractices like swindling, bribe giving and extortion ways are used to avail personal and private gains using corruption. Another form of corruption of taking gifts, tips and giving patronage as an indirect way for personal benefit. Even though this indirect method of corruption takes place it has direct implications on public and private institutional functioning.

1.4 Background of Corruption in Ancient India

¹² Political Science study material published by NIOS, Noida, 2010

¹³ Draper, Hal. Karl Marx's Theory of Revolution (Volume 1: State and Bureaucracy, Volume 2: The Politics of Social Classes). New York: Monthly Review Press, 1977 & 1986.

Since time immemorial the issue of corruption has been prevailing in India. According to the metaphysical approach of Vedas toward corruption it is mentioned that even those learned persons who justify or praise any type of evil or wickedness are themselves corrupt. Going back into the Vedic period we see several references in Rigveda, Yajurveda and the Samaveda. The Rigveda mentions that the people who do corruption will face misery and despair through their kin as the saying goes “As you sow you will reap”. The Samaveda refers to the causes for entry of corruption as evil in the human being. The Yajurveda directs the people high in the administration to ensure that the corrupt person or persons should not be allowed to mingle with persons from divine professions.

Historian Shri. R.C. Muzamdar says that there are forty different ways of corruption mentioned in Kautilya economics. Syphoning of funds from the government exchequer and manipulation of accounts are common by officials in the administration. Further in King Ashoka’s era rarely we come across issues of corruption. Buddhism through its Astangmarga believes that a person has to be transparent and corruptless.

During the Mughal era the authorities were kept pleased by giving them gifts and the land rights were transferred onto the rulers. This bad practice was started by Nurjehan, and eventually it became the norm. Even during Aurangzeb’s period the revenue officials were very corrupt and used various ways to cheat the subjects.

The British rule further fueled these corrupt practices including able administrators like Warren Hastings and Robert Clive. In the princely state of Bengal, the Governor and other officers used corrupt methods to amass personal wealth. The first person during the British rule in India was Lord Cornwallis who implemented new laws to curb corruption. During the World War II period there were many changes in the Indian economy, this resulted in various new businesses to prosper. To avail the licenses for these businesses from the then British government the traders had to bribe officials.

1.5 Scenario of Corruption in study period

The British Civil services administration was continued with some minor changes in independent India in the year 1947. After the independence the opportunistic leaders of India in the garb of have powers occupied the important seats in the political system. In modern India it is a perception that if a person happens to work on right principles or values are looked down upon and considered foolish. With the nexus of hard core criminals and politicians the entire system has become only money oriented and thus favors corruption. It is also notices that people in the bureaucracy too are involved in white collar crime which in turn breeds corruption. Previously the trend of corruption was only for getting wrong things done, but lately even for getting the right things, the public has to pay bribes. The people in high positions in the administration are involved in rampant corrupt practices and they expect themselves to be respectable. Even business involve in corrupt methods of cheating their consumers by less weighing of products, adulteration etc.

Even to get into a public sector employment a person has to grease the palm of middle men who may have nexus with the concerned officials into recruitment. It is also noticed that sometimes even the eligibility criteria's are also over looked to place a person of their choice. In government services like providing of food supplies, petroleum etc. to the general public is also adulterated so as to benefit a few involved into the delivery of these facilities by threatening the very existence of the people. With the complication and numerous number of rules and regulations into procuring shelter either a house of land breeds corruption as it seems impossible to fulfill all the prescribed norms.

As corruption adversely affects any nation's economy so is for India. As per Transparency International a watchdog on worldwide corruption observed the following¹⁴:

- A) In the year 2005 it was found that more than 62% of Indians had experienced corruption firsthand.

- B) In the year 2008 it was found that more than 40% of Indians had to pay bribes to get jobs in public sector.

¹⁴ Reddy, Prashant (20 May 2012). "CSIR Tech. Pvt. Ltd: Its controversial past and its uncertain future url=<http://spicyipindia.blogspot.com/2012/05/csir-tech-pvt-ltd-its-controversial.html>". SpicyIP.com.

- C) In the year 2012 India was ranked 94th out of 176 countries evaluating using the International's Corruption Perception Index.
- D) In the year 2015 India was ranked 76th out of 175 countries evaluating using the International's Corruption Perception Index.
- E) In the year 2016 India was ranked 76th out of 168 countries evaluating using the International's Corruption Perception Index.

1.6 Indian steps to curb corruption

In India anyone who plans to contest for election for public offices have to declare their assets and liabilities and cannot involve into trade and business after their acceptance to occupy their public duties. To provide punitive mechanism, quick inquiry and fast judgments of cases of corruption there several measures undertaken in India.

- A) In the year 1941 the then British government established a special police department to check into the corruption if any during the World War II. Further this department was under the control of Home Ministry after independence.
- B) To inquire into the corruption occurring with the several government departments, a cell was establishes in the year 1955. The head of the respective department and secretarial officer are responsible for the functioning of this cell. For example the Indian railways has its own independent cell to inquire into corruption cases.
- C) In the year 1964 the Central Vigilance Commission (CVC) was established. The purpose of this commission was to inquire about the employees of the public sector undertakings and government sector who have been accused of corruption. This commission is being appointed by the President of India. To guide and advice the Central Government Agencies the CVC was responsible

of providing such duties to minimize corruption. The responsibility of creating awareness among the public is also a function of the CVC.

- D) In the year 1963 the Central Bureau for Investigation (CBI) was established. It is controlled by the Home Ministry. The Anti-Corruption Bureau is working under the CBI.

There are several provisions in the Indian Penal Code to curb corruption. With the intent of preventing and acting against corruption there are several Acts that are enacted¹⁵. A few of them are mentioned as under.

- A) In the year 1860 the Indian Penal Code (IPC), under the Section 169 takes care of issues pertaining to unlawful bidding or buying of property by a public servant. The punishment for such a public servant who has indulged in the said crime will be imprisonment up-to two years or a fine or both. The property if purchased will be also confiscated. Under Section 409 of the IPC takes care of issues pertaining to the criminal breach of trust by the public servant. The punishment for such a public servant who has indulged in the said crime will be imprisonment up-to ten years and a fine.
- B) In the year 1988 The Prevention of Corruption Act was enacted. Other than the legal remuneration if a public servant takes gratification he is liable to a punishment of six months to five years.
- C) In the year 1988 The Benami Transactions (Prohibition) Act was enacted. This Act penalizes the public servant who has indulged into purchasing property in a false name of another person except his own wife or unmarried daughter's name. If found guilty such public servant will be penalized up-to three years with or without fine and the property shall be confiscated by a prescribed authority.

¹⁵http://www.prsindia.org/administrator/uploads/general/1302844978_PRS%20Note%20on%20corruption%20laws.pdf

D) In the year 2002 The Prevention of Money Laundering Act was enacted. As per this Act a person who has indulged in procuring a property by criminal means will be charged with is offence. A person convicted of such crime will be penalized with a fine up-to rupees five lacs and rigorous imprisonment for three to seven years.

The best way to curb corruption is to enforce through the general public. With the involvement of media and people the issue at hand can be tackled effectively. In Indian election funding by corporates in turns forces the legislature to make favorable laws for them, which breeds corruption. Making strong rules and regulations on the functioning of Ministers and civil servants would be a measure to prevent corruption. Strong punitive measures, fast judgments and its implementation can curb corruption to a great extent. Awareness about the functioning of the administration for the public at large can bring down the role of middle men who indulge in corruption.

1.6.1 Movement phase

Considering the various movements in uprooting corruption in India, there need to have a consideration to understand the undercurrents of such public participation. Even though the former Prime Minister of India late Shri. Rajiv Gandhi mentioned in one of his speeches ‘When one rupee is being provided to the State by the Central government, only fifteen paisa reaches the grass roots’ such is the dilemma of corruption. This was during the peak era of print media. Most of the agitations were a phenomenon followed aggressively by the left minded political parties.

With the advent of electronic media the public started getting the news as it was happening at various nooks and corners of the country if not also the world. There were apprehensions about what was showed on television most of them considering it as a media created event. Further with the economic liberation, India witnessed tremendous technological shower. With Cable Antenna Tele-Vision (CATV), Master Antenna Tele-Vision (MATV), Direct To Home (DTH) and Internet Protocol Tele-Vision (IPTV) this scaled to a few thousand channels of television content being bombarded on to the viewer. This forced the middle class to look into

the matters of public life. These circumstances led to their participation in the movement against corruption.

The use of internet and social media further took the visuals limited on television sets into the hands of Indians with the availability of smart mobile phones. Perceiving that something was significantly wrong in Indian politics due to the news about the involvement of corporations, businesspersons and politicians into corruption of multi crore scams. Traditionally as the left politics came into existence on the basis of capitalism bashing, they believe that corruption does not exist in isolation but is an inherent part of that economic system. They further say that until and unless the middle class do not convert themselves into left thinking, they cannot have the right to protest. Also according to them the correct way to protest is to participate in politics by contesting elections. Even though some thinkers in contemporary Indian media, like Bhanu Pratap Mehta has been expressing their criticisms time and again, it was only limited to the literate class. Also radical thinkers of the intelligentsia have supported struggles for instance land acquisition in their own small way¹⁶.

1.6.2 The significant role of Shri. Anna Hazare

An unlikely icon for the youth of India, Shri. Anna Hazare a social activist took the lead to fight against corruption. With the transformation of the village Ralegan Siddhi, in Ahmednagar district of Maharashtra which was freed by him from the evil clutches of theft, alcoholism and other such issues. He adopted Gandhian principles of tackling these issues in an authoritarian way. The cultural change in the village has reached to such an extent where today any type of wrong doing is publicly bashed. Even after this image of a village simpleton, Shri Anna Hazare was able to gather support of a large middle class of Indian, to support his mass movement against the issue of corruption. This type of rare direct action in the Indian democratic polity was rarely witnessed, which previously was confined to representative democracy.

The anti-corruption movement was radically of open nature. With a lack of an organized type of movement it had also broken the traditional decision making

¹⁶ Reddy, Prashant (20 May 2012). "CSIR Tech. Pvt. Ltd: Its controversial past and its uncertain future url=<http://spicyipindia.blogspot.com/2012/05/csir-tech-pvt-ltd-its-controversial.html>". SpicyIP.com.

process and had a formless character. This movement was also supported by several radical political forces. The extremely open nature of this movement itself makes it vulnerable, so it was to be considered whom to be allied with. Which meant that those who participated would shape the character of the movement. The hostility to democracy is another issue of the movement if hijacked by unfavorable forces.

According to the Argentine political theorist Ernesto Laclau may call Shri Anna Hazare an 'empty signifier' which means that a symbol of hope to which any type of clashing meanings can be apportioned to. He further mentions that populism has no class of belonging or fundamental reactionary content. His interpretation of populism is that it is the magnificent way of understanding the political form. The movement that Shri Anna Hazare had led from the frond due to his populism have been criticized by a few to be anti- political. But instead this situation should be used to introspect the political system and its constituents.

Considering the then situation of several scams being exposed to the public through the media, it was perceived that the political class is immersed in the loot of the wealth of the nation. In turn to examine the root causes of such a situation the shifting towards participating for such a movement reflects thoughtful disaster. The short historical record of reforms in India show that issues pertaining to environment, communalism, right to information, mass displacement etc. have been tackled by people and organizations other than the political body¹⁷.

The legitimacy of party representation is under suspicion. The role of the public at large can be seen in the ever increasing voting pattern year after year. But the fundamental question is that do the large section of the voter know why are they voting for? It can also be inferred by the statements given by religious and social leaders supporting a specific political ideology as a tactical weapon. Further it is also a dilemma in the voter's mind of selecting the lesser evil due to the criminalization of politics. This type of political participation damages the working of the executive. Out of no choice and lamentation due to oppressive ruling political ideology, sometimes

¹⁷ Singh, Mahendra Prasad (2013). "Administrative Reforms in India". In Sabharwal, Meghna; Berman, Evan M. Public Administration in South Asia: India, Bangladesh, and Pakistan. CRC Press. p. 152. ISBN 978-1-43986-911-6.

the public topples the existing government without option. The situation forces our attention towards greater inquiry and thinking.

The coverage of Shri. Anna Hazare's fast for the passing of the Lokpal Bill was undertaken by the national television media. Private broadcasters like CNN-IBN and Times Now who consider their journalism to be upright also jumped in to support Shri. Anna Hazare's said movement. With the use of media rhetoric these channels influence the viewer's mind. This gave rise to varied discussions about corruption in the common room of the citizen's residences. To give this movement an international color the media started comparing it to as India's 'Tahrir Square'¹⁸

1.6.3 Lokpal Bill

Historically The Lokpal Bill was proposed by the then Law Minister Shri. Ashoke Kumar Sen in the early 1960's. Even though this Bill was passed in the fourth Lok Sabha which was proposed by Shri, M.C. Setalvad in the year 1968 it could not gather the necessary majority of the Rajya Sabha. This Bill was subsequently introduced several times only to get passed in the year 2013. It took a total of forty five years to see the light of the day.

In India with a range of ongoing struggles then, it created a background for the movement against corruption. National Alliance of People's Movements (NAPM) involved into the livelihood issues dealing with fraudulent land acquisitions, illegal mining etc. were perused. The Right to Information struggle which provided the citizens to know about what the Indian democratic administration of government is doing were the results of public participation. The issue of corruption was central theme to the above problems. To tackle the corruption rampant in the government administration which touched the citizens both in the rural and urban areas on India, the passing of the Lokpal Bill was considered to be the solution. The corruption crisis was perceived by many citizens as a major issue barring a few rich who also felt helpless in that situation.

¹⁸ (<http://www.himalmag.com/component/content/article/4423-anna-hazare-and-the-middle-class.html>)

The anti-corruption movement undertaken by Shri Anna Hazare a social activist and reformer put into question the progressive politics in India with the background of the economic boom even when there was a worldwide economic recession. It had a far fetching effect to the principle of democracy as the public had gone against their own elected government. A well-known figure in Maharashtra, Shri Anna Hazare was recognized for his contribution in social welfare, environmental issues, legislative activism and he also agitated against State Ministers involved in corruption. The effect was so deep that these Ministers and to lose their political weightage in the long run. Shri Anna Hazare undertook fast unto death for the passing of the Lokpal Bill on 5th April 2011 at Jantar Mantar at Delhi. Overnight Shri Anna Hazare emerged as a crusader against corruption throughout India. A varied class of citizens supported Shri Anna Hazare in particular the youth. There were millions of supporting his fast through social media.

The anti-corruption movement did not spur out of context. With a variety of scams being exposed in India, with the involvement of politicians, business men, corporates etc. created a favorable environment for the demand of passing the Lokpal Bill. With the public pressure mounting a Draft Lokpal Bill, 2010 was presented, which was out rightly rejected by several social activists and intellectuals as they were of the opinion that it was an in effective Bill. With several years of delay of passing the Lokpal Bill it was need of the day. Similar to the Indian national movement, the Lokpal movement also had several lawyers who assisted to navigate the complicated path to evaluate the drawbacks of the draft Lokpal Bill. The organizational skills were provided by the professional middle class.¹⁹

The evolution of an Ombudsman is a concept that exists in the western countries like Denmark, Finland, Norway, Sweden and many more. The National Commission reviewed the working of the constitution in the year 2002 and urged for the appointment of the Lokayuktas in the states and the Lokpal at the centre. Subsequently the second Administration Reform Commission in 2005 recommended

¹⁹ www.indiaagainstcorruption.org, last accessed on April 20, 2011 at 11:32 IST.

the same. The United Progressive Alliance (UPA) also included to enact the Lokpal Bill in their National Common Minimum Program²⁰.

The Lokpal Bill was renamed to Jan Lokpal Bill and its salient features are as follows²¹.

- A) Similar to an independent Election Commission and Supreme Court of India, the Lokpal and Lokayukta will not be represented by any bureaucrat or minister.
- B) The investigation of corrupt public officials will be completed in one year and their trial should be completed in the next year itself.
- C) The convicted public official who has caused loss to the government exchequer will be recovered from him.
- D) In case of any service is not provided to a Indian citizen in the prescribed time, such responsible public official will be penalized and will be given as the compensation to the aggrieved person.
- E) The Lokpal or Lokayukta will have to get the work done in case a service is not rendered to the citizen in the prescribed time.
- F) The appointment of the Lokpal and Lokayukta members will be done by judges, constitutional authorities and citizens in a transparent way.
- G) If a Lokpal or Lokayukta member is found corrupt then if found guilty will dismissed within two months.
- H) The CVC, CBI etc. will all be merged into the Lokpal and Lokayuktas.
- I) The witness to any corruption will be protected by the Lokpal or Lokayukta against victimization.

²⁰ Yadav, Yogendra, Corruption and the Lokpal, Vol. 66 No. 22 July 3, 2011, Janata.

²¹ <https://en.wikipedia.org/wiki/Lokpal>

1.7. Civil Society in India

The participation of members of civil society like Arvind Kejriwal, Aruna Roy, Yogendra Yadav etc. are active personalities who have given impetus to various social causes. After the passing of the RTI in 2005 these members undertook the responsibility of creating the awareness among common people of India. Shri Arvind Kejriwal was awarded the Ramon Magsaysay Award for his immense contribution of empowering the poor of New Delhi using the RTI Act to fight corruption in various government offices²². Aruna Roy is a political and social activist who founded the Mazdoor Kisan Shakti Sanghatana (MKSS). The purpose of this organization was to get a fair and equal wages for the workers. She has worked for the causes of RTI, Right to work and Right to food. She was also a member of the National Advisory Committee setup by the UPA. She has received the Ramon Magsaysay Award for community leadership²³. Yogendra Yadav was a professor of political science²⁴. He is a founding member of the Swaraj Abhiyan and Jai Kisan Andolan. Swaraj Abhiyan is a socio-political organization to achieve freedom in political, economic, social and cultural aspects of life. The Jai Kisan Andolan is a movement to bring to attention the farmers rights in India.²⁵

1.8 Summary

Complicated tax systems, excessive regulations, numerous government departments, bureaucracy with discretionary powers, various licensing systems, lack of transparent laws, are the few reasons for the significant levels of corruption in India. In the Indian parliament of the 524 members around 120 of them are accused of crimes as of the year 2009. Till the late 1980's the economy policies were centered on socialist policies since 1950. During this period there were public owned enterprises, extensive regulation and protectionism. These led to favoritism and corruption resulting in slow growth of the Indian economy. To quote Shri Chakravarthi Rajagopalachari who says that the core of corruption was often due to license raj.

²² What is jan lokpal bill, why its important, <http://www.ndtv.com/article/india/what-is-the-jan-lokpal-bill-why-its-important-96600>, last accessed on April 21, 2011 at 07:33 IST.

²³ https://en.wikipedia.org/wiki/Aruna_Roy

²⁴ https://en.wikipedia.org/wiki/Yogendra_Yadav

²⁵ https://en.wikipedia.org/wiki/Swaraj_Abhiyan

Even after the economic liberation the issue of corruption was not completely resolved. In the year 1993 a report was submitted by Shri N.N. Vohra the then Union Home Secretary on the problem of the criminalization of politics. These criminals were running a parallel government as per this report with the patronage of politicians. In the year 2011 the iron ore mafia was banned from mining in the Bellary district of Karnataka by the Supreme Court of India. Even the Lokpal Bill has to be yet be implemented.

2. Review of Literature

2.1 Introduction:

An exploratory study is the primary stage of research and next stage is occupied by the descriptive study and the final stage is to establish causal relationship in the variables studies. In an exploratory study it is necessary to be familiar with the subject to determine the scope and the limit of research to clarify the concepts and to formulate the hypothesis. The aim of a literature review is to show reader (tutor) that one has read, and has a good grasp of, the main published work concerning a particular topic or question in one's field. This work may be in any format, including online sources. It may be a separate assignment, or one of the introductory sections of a report, dissertation or thesis. In the latter cases in particular, the review will be guided by research objective or by the issue or thesis one is arguing and will provide the framework for further work¹.

The ongoing crusade against corruption, led by Anna Hazare, has captured the imagination of people across the country with the demand that Parliament speedily enact the Jan Lokpal Bill, authored by Team Anna, becoming vociferous. However, serious divisions within civil society over the crusade and the Bill have led to questions about the legitimacy of the crusade itself. One such question is whether Team Anna's campaign has learnt the lessons from the successful movement for the Right to Information Act, 2005².

The movements for strong RTI and Lokpal Acts share similar goals – namely, eradicating corruption and ensuring accountability and transparency in governance. It is true that the Lokpal Bill has a much longer history than the RTI Act. But the RTI movement has a longer history than the campaign for a strong Lokpal.

¹ "A.P. Departments Anti-Corruption Bureau". A.P. Government. Archived from the original on 23 May 2010. Retrieved 25 June 2010.

² "A special report on India: The democracy tax is rising: Indian politics is becoming ever more labyrinthine". The Economist. 11 December 2008.

The huge public backing for the Jan Lokpal Bill is its strength as well as its liability. The enormous and unexpected support it has earned makes it difficult for the authors of the Bill to consider dispassionately the well-intentioned criticisms against it, and the suggested alternatives to some of its provisions that are widely considered draconian. Team Anna's refusal to let Parliament debate the Lokpal Bill in its normal course stems from this impatience, which had characterised its campaign from the beginning. It also reflects Team Anna's conviction that the government's Lokpal Bill – which it prefers to call the Promotion of Corruption Bill – is beyond repair, even by the Parliamentary Standing Committee.

In contrast, the RTI Act, 2005, is not a perfect document. There are indeed a few controversial provisions in it, but these did not lead to irreconcilable differences between the government and civil society. The openness of the RTI movement leaders immensely helped in the making of an effective law, which led to its popularity with the people.

According to Aruna Roy of the National Campaign for People's Right to Information (NCPRI), which campaigned for the RTI Act, the RTI Bill was amended 153 times when it was with the Parliamentary Standing Committee as the government draft was very weak. And no one had to threaten a fast-unto-death for the enactment of a strong RTI Act³.

In *The Right to Information Act 2005: A Handbook*, the author, Sudhir Naib, a retired Central government official who is currently an academic, has traced the history of the RTI movement in India from 1987 to the passing of the RTI Act in 2005. Naib shows that the real movement for the right to information originated at the grassroots level – in Devdungri in Rajasamund district of Rajasthan⁴.

Devdungri, about 10 kilometres south of Bhim, a small town in the northern pocket of Rajasamund district, was the choice of four human rights activists – Nikhil Dey, Anchi, Shanker Singh and Aruna Roy – in 1987 when they decided to build an organisation for the rural poor. They did not accept for the work they did more than the minimum wages paid for unskilled labour, which was Rs.15 a day at that time. They did not accept international or government funding for their research projects. They lived with facilities that were available to an ordinary

³ "Cops turn robbers on India's roads". Asia Online. 27 August 2009.

⁴ "Full Report of Karnataka Lokayukta on Illegal Mining of Iron Ore, 27 July 2011" (PDF). Chennai, India: The Hindu, Business Line.

farmer – simple accommodation, no electricity or running water. They won the confidence of the local population on account of their lifestyle, and found motivated co-workers. Devdungri soon became a meeting point for people who were concerned about social discrepancies and did not know how to confront the local elite and officials. When their influence in the region increased, they founded the Mazdoor Kisan Shakti Sangathan (MKSS) in 1990.

The activists initially worked on issues that directly influenced everyday life of the people in the Devdungri region, such as payment of lawfully guaranteed minimum wages in the State's development projects and drought relief programmes as well as equitable distribution of rationed items under the public distribution system (PDS).

Demand for free access to information became an important aspect in the context of minimum wages. Almost every time the activists demanded access to state documents, the authorities denied them, citing the Official Secrets Act, 1923. As Naib remarks, the OSA created a culture of secrecy, which resulted in confidentiality becoming the norm and disclosure the exception.

The aim of the RTI movement initially was access to documents and records relating to government-funded development works in the region. Public hearings, or jan sunwais, were identified as a suitable means to voice this right. The demand for transparency in spending of all development funds in the respective regions came from the jan sunwais.

The MKSS managed to get documents that pointed to irregularities in certain development projects. The muster rolls of a number of construction projects had names of people who did not work on the construction site. It was found that in Bhim, payments amounting to Rs.36 lakh had been made to a fraudulent company that existed only in the form of a bank account. The MKSS discovered such discrepancies in other regions too. The first public demonstration, organised by the MKSS, was held in the town of Beawar in Ajmer on April 5, 1996, to stress the demand for the right to free access to information. This dharna ended after 40 days, setting the pace for the subsequent events in the RTI movement⁵.

⁵ "Govt to reveal stand on black money on 25 Jan – India News – IBNLive". ibnlive.in.com. Retrieved 7 October 2011.

VICTIMS OF THE Bhopal gas tragedy outside the Prime Minister's Office at South Block in New Delhi to file an RTI application, in March 2009.

The history of the RTI movement is different from the history of the RTI legislation. Although Rajasthan could be credited with initiating the RTI movement, it was Tamil Nadu that passed the first RTI legislation, in 1997, on the basis of the first draft legislation circulated by the Press Council of India in 1996. Other States soon followed. The author finds that most State laws are weaker than the Central law. He suggests that State governments repeal their laws and adopt the Central law, as a uniform law on access to information will help in making better use of the law.

The book says little by way of an account of the making of the RTI Act in various stages, from the drafting of the government's Bill, through its vetting by the Parliamentary standing committee and the debates in both Houses of Parliament, to its eventual notification. Given the current debate on the Lokpal Bill, such an account indeed deserves separate treatment.

But for this minor grievance, the book fills a lacuna in the existing literature on RTI. The reader gets not only a comparative perspective on freedom of information laws across the world but practical tips on how to make use of the RTI Act and the options available to an applicant when the authorities deny information.

The book makes exhaustive references to the Central Information Commission's (CIC) decisions concerning the definition of information, the obligations of public authorities and public information officers, the information exempted from disclosure, the role of appellate authorities, and so on. It is deplorable, however, that the government has opted to challenge some of the landmark decisions of the CIC in the higher judiciary and obtain interim stay orders on them. As the courts show no urgency in vacating these stay orders, the beneficiaries of the RTI Act remain deprived of the fruits of their efforts⁶.

Dealing with corruption

C. Raj Kumar, Vice-Chancellor of O.P. Jindal Global University, in his book *Corruption and Human Rights in India*, also finds the beginnings of the RTI movement in Rajasthan

⁶ "Health scam: Former CMO, Sachan booked". Hindustan Times. 4 August 2011. Retrieved 13 August 2012. ^[dead link]

fascinating. He recalls that the movement sought the right of access to official records as a part of the right to life and livelihood. He feels that the CIC has to develop broader expertise in dealing with corruption, apart from developing jurisprudence on the scope of the RTI Act, its powers and its jurisdiction.

The chief merit of Raj Kumar's book lies in his articulation of the need to empower the people of India to fight corruption on the basis of developing certain rights, which include the right to information and transparency in governance.

In the postscript to the book, the author discusses the current controversy over a Lokpal. One contentious issue in the Lokpal debate is whether we need a single institution or many bodies to tackle corruption. While the Jan Lokpal Bill strongly favours a single institution, its critics point to the threats to human rights from a mammoth institution and suggest multiple structures to cater to different functions. The author, on the basis of international experience, supports the view that a single institution in the form of the Lokpal is indeed the need of the hour.

The author refers to the experience of Hong Kong and mainland China and describes how the institutional approach to fighting corruption has been a big success in Hong Kong, while similar measures in mainland China have not met with much success. Citing a study conducted by Melanie Manion, he points out that the political establishment in mainland China responded to corruption with ambivalent signals, establishing two anti-corruption agencies with overlapping jurisdictions and an unclear division of labour.

In Hong Kong, by creating a powerful, independent anti-corruption agency (Independent Commission Against Corruption), the government clearly signalled its commitment to anti-corruption enforcement. This agency achieved major enforcement successes quickly and publicised them widely to consolidate its reputation. It combined enforcement with broad public education by reaching out to the community in innovative ways apart from proposing measures to reduce incentives for corruption⁷.

The author agrees that given our past experience of police and law enforcement agencies engaging in serious acts of abuse of power, care should be taken in the institutional design to ensure checks and balances. However, he adds, experience worldwide indicates that cross-agency coordination remains weak or non-existent where there are multiple institutions with

⁷ "India to give free medicine to millions". The Financial Times. 5 July 2012.

different roles and responsibilities to tackle corruption. Citing another study, he suggests that law enforcement agencies are often not well connected and integrated owing to their wide diversity, overlapping mandates, competing agendas, various levels of independence from political interference and a general institutional lack of clarity.

The author has also offered his views on some of the other contentious issues though one gets the impression that he has not been successful in resolving the inconsistency in his ideas. Thus, on the question of inclusion of the Prime Minister under the Lokpal, he agrees that any investigation of allegations of corruption against the Prime Minister would undermine the effectiveness of a pivotal institution of the government, both domestically as well as on the international plane. However, he adds, nobody is above the law; and if India truly wishes to establish a society based on the rule of law, nobody including the Prime Minister should be excluded from the purview of any anti-corruption investigation. He, therefore, supports safeguards to limit the possibility of the misuse of this provision, in the form of a higher level of scrutiny and review mechanism to filter complaints against the Prime Minister.

The author argues that the inclusion of the judiciary within the Lokpal Bill will weaken the proposed institutional framework in its effort to seek transparency and accountability in governance. This is because the judiciary has the power to adjudicate on the constitutional validity of all legislation and the powers exercised by the government. Further, it will also be involved in adjudicating on the constitutional validity of the powers exercised and the decisions taken by the Lokpal. It will also result in the judiciary ending up being a judge in its own cause with respect to adjudicating on the Lokpal's exercise of its powers regarding corruption in the judiciary, the author says⁸.

He, therefore, believes that there is a case for strengthening the anti-corruption provisions of the Judicial Standards and Accountability Bill. Accountability of the Lokpal as an institution is another of the author's concerns. He suggests that a full and complete disclosure of all information relating to the members of the Lokpal as well as procedures for removal for misconduct will ensure this accountability. The book's perfunctory treatment of the subject, perhaps to cash in on the contemporary interest in fighting corruption, is likely to disappoint the reader.

⁸ Giri, D.K., Congress Crisis of Confidence - Vol. 66 No. 22 July 3, 2011, Janata.

It is very important to note that review should not be simply a description of what others have published in the form of a set of summaries, but should take the form of a critical discussion, showing insight and an awareness of differing arguments, theories and approaches. It should be a synthesis and analysis of the relevant published work, linked at all times to own purpose and rationale.

According to Caulley (1992) of La Trobe University, the literature review should:

- 1) compare and contrast different authors' views on an issue
- 2) group authors who draw similar conclusions
- 3) criticize aspects of methodology
- 4) note areas in which authors are in disagreement
- 5) highlight exemplary studies
- 6) highlight gaps in research
- 7) show how your study relates to previous studies
- 8) show how your study relates to the literature in general
- 9) conclude by summarizing what the literature says

The purposes of the review are:

- a) to define and limit the problem you are working on
- b) to place your study in an historical perspective
- c) to avoid unnecessary duplication
- d) to evaluate promising research methods
- e) to relate your findings to previous knowledge and suggest further research

A good literature review, therefore, is critical of what has been written, identifies areas of controversy, raises questions and identifies areas which need further research.

In her book Sarbeswar Sahoo (2013), “Civil Society and Democratization in India: Institutions, Ideologies and Interests” examines Non-Governmental Organizations (NGOs) contribute towards democratization in India and what conditions facilitate or inhibit their contribution. It assesses three different kinds of politics within civil society, liberal pluralist, neo-Marxist, and communitarian, which have had different implications in relation to democratization.

The book delivers new insights on NGOs, democratization, civil society, the state, political society, tribal politics, politics of Hindu Nationalism, international development aid and grassroots social movements in India. It enables readers to understand better the multifaceted

nature of civil society, its relationship with the state, and its implications for development and democratization⁹.

Parsa Venkateshwar Rao Jr and Har-Anand (2012) in their book “Lokpal: Facts And Arguments” describes various points of view in favour of and against both, the Jan Lokpal and the UPA government’s Lokpal bills; but in the final analysis he is against political lobbyists dictating terms. He promotes upholding the supremacy of Parliament because members of Parliament have the popular mandate. Theoretically, this view may be unarguable. But what is the reality?

With both sides having arguments that need scrutiny, the need of the hour is for both of them to give up their pugilistic approach and sit down together to draw up a bill that takes into account not just the present corruption-ridden scenario but also incorporates stringent checks against a worst-case scenario of the Lokpal itself turning rotten.

Ashutosh (2012) in his book “Anna : 13 Days That Shook India” presents Anna Hazare's fast unto death in August 2011, demanding the enactment of a strong Lokpal Bill, was a watershed moment in post-independence India. Coming soon after a slew of corruption exposés, the movement galvanized an increasingly disenchanted middle class like nothing had in decades. Well-known Hindi journalist Ashutosh weaves together the story of the thirteen days that changed India. He had a ringside view of the developments, stationed as he was at the Ramlila Grounds in New Delhi, the venue of the fast, and had intimate access to the two warring parties: the Congress government at the Centre and Team Anna. Evoking the Jayaprakash Narayan movement and Gandhi's satyagraha, Ashutosh mines the history of India's post-independence politics to understand the phenomenon that is Anna Hazare.

Kiran Bedy (2012) in her book “Kiran Bedi-Be the Change Fighting Corruption” highlights corruption has seeped so deeply into the systems of governance in India that the common man has lost faith in every administrative process. The wide spread disease of corruption can only be cured by a total revamp of its political, investigative and prosecuting system.

⁹ http://iac.getup4change.org/doc/Critique_of_Govt._s_Lokpal_Bill_2010.pdf., last accessed on April 20, 2011 at 11:42 IST.

What we are seeing all around us today is nothing but loot: Loot of very high scale to the extent we can't count the number of zeros. And as this started to unfold with the commonwealth games exposure, it got my goat. I started to be a part of a collective voice which became louder by the day. At times very shrill, not by choice by compelling circumstances. But all for one common cause a well governed India a better India which makes us all prosperous and our next generation secure.

Arvind Kejriwal (2012) in his book *Swaraj* Arvind Kejriwal questions the existing democratic framework in India and proposes a way how the people of India can achieve true *Swaraj* (self-rule). The book highlights the shortcomings of the current model of centralized governance and explains how the real rule of the people can be brought about.

N. Vittal (2012) in his book 'Ending Corruption: How to Clean up India' provides a valuable insight into the political, official, commercial dimensions of corruption. Every right thinking Indian agrees that corruption is today eating into the moral fiber of the country's body politic and society.

O P Dhiman and C P Sharma (2013) in their book "Corruption and Lokpal" discuss the history of corruption and Lokpal bills since Nehru era. It also discusses how the fate of this bill hangs in fire by the evil designs of some of the corrupt politicians. The book deals with corruption, black money and Lokpal bills in a simple, lucid and intelligible way in the light of present socio-politico-economic conditions in India.

Sanjaya Baru (2014) in his book "The Accidental Prime Minister: The Making and Unmaking of Manmohan Singh" describes that Singh was not entirely in control of his cabinet—or even the Prime Minister's Office (PMO). Instead, significant power was wielded by the Congress party's president Sonia Gandhi, to whom Singh was completely subservient. 'There cannot be two centers of power', Baru remembers Singh explaining to him, 'That creates confusion. I have to accept that the party president is the centre of power. The government is answerable to the party.'

M. V. Kamath and Gayatri Pagdi (2012) in their edited book "Corruption and the Lokpal Bill" takes a look at corruption from the times of Kautilya and traces its history in our times. It assesses the journey of a measure intended to fight corruption and what happens to it in the power play of politics. Which way will this go? The Lokpal movement is just the beginning. Are we, as responsible citizens, fully aware of what the struggle against corruption involves? The outcome of this struggle concerns us all.

Vinod Rai (2014) in his book “Not Just an Accountant—The Diary of the Nation’s Conscience Keeper”

In his article in *Social Action* (Oct.-Dec. 2011) 'Tryst with Transparency: Diagnosis of a Corruption-Ridden System' V. P. Sharma makes a deeper analysis of corruption-ridden socio-economic systems, but mainly, the political system in our Indian polity. According to him advanced countries are also corrupt but they maintain efficiency of performance whereas with practice of corruption. India is the least in efficiency. Indians are sunk in the mire of corruption, undue influence and abuse of power that vitiates entire atmosphere.

In his article in *Social Action* (Oct.-Dec. 2011) ‘Anna Hazare’s Movement and India’s Middle Class’ Ambrose Pinto has analyzed the motivational connectedness between the two. He discusses who this middle class is that jumped into the fray with Anna Hazare. He also questions whether Anna Hazare’s movement is really is a social movement. In his mind the fabulous support to the anti-corruption fast has various political dimensions worth understanding.

John Chathannatt makes an inquiry into the nature and causes of corruption in his article, *Indians today* is the theme of corruption among the politicians and bureaucrats, according to the author. He also exposes the paradoxical nature of India’s growth. On the one side the poor of the nation are dying of hunger and on the other the rich indulge in amassing and display of wealth.

Political corruption has multi-lateral institutional roots because of which the problem is complex. Meenu Anand has tried to examine these roots at the same time suggested ways and means to mitigate it in the long run.

Avatar Singh in his article *problem of Corruption and its Remedies*-attempts to define the concept going into its historical origin in the Indian democracy He also shows how corruption is a global problem.

M.S.Swati Sindhi (2013) in his book “Political Corruption and India Democracy” briefly explained about political corruption in Indian democracy.

Sarbeswar Sahoo in his book entitled, “Civil Society and Democratization in India: Institutions, Ideologies and Interests” Developing a distinctive theoretical framework on civil society, this book examines how Non-Governmental Organizations (NGOs) contribute towards democratization in India and what conditions facilitate or inhibit their contribution. It assesses three different kinds of politics within civil society – liberal pluralist, neo-Marxist, and communitarian – which have had different implications in relation to democratization.

By making use of in-depth empirical analysis and comparative case studies of three developmental NGOs that work among the tribal communities in the socio-historical context of south Rajasthan, the book shows that civil society is not necessarily a democratizing force, but that it can have contradictory consequences in relation to democratization. It discusses how the democratic effect of civil society is not a result of the "stock of social capital" in the community but is contingent upon the kinds of ideologies and interests that are present or ascendant not just within the institutions of civil society but also within the state.

The book delivers new insights on NGOs, democratization, civil society, the state, political society, tribal politics, politics of Hindu Nationalism, international development aid and grassroots social movements in India. It enables readers to understand better the multifaceted nature of civil society, its relationship with the state, and its implications for development and democratization.

Parsa Venkateshwar Rao Jr Har-Anand in their book, "Lokpal: Facts and Arguments" Having said that, it's a timely book on a hotly-debated subject, and clears a lot of misconceptions about both the government and Team Anna's version of the proposed Lokpal Bill.

One of the commonest fears about team Anna's Jan Lokpal Bill is that with its sweeping powers, the Lokpal itself could become a monstrous, corrupt genie impossible to tame. Well, the present draft does have a few provisions to prevent this. For one, once a case is closed, all documents related to it will be treated as public, and every month a list of such cases will be put on the website with reasons for closing the case. Further, all the material related to the case will be provided to anyone seeking it under the Right to Information Act. Second, the hearings before the Lokpal will be video recorded and available to anyone who pays for the copying costs. However, there are still some details that could be tweaked to prevent the cure from becoming worse than the disease. For instance, for receiving and disposing of a complaint against a judge of the High Court or Supreme Court, the present draft of Anna's bill states that the complaint will be first screened by a member of the Lokpal. What if this member is not above board? A genuine complaint may get stymied at the preliminary stage itself.

So, significant as Anna's movement against corruption may be, a re-look at some of the clauses in his bill would improve it further, and in no way jeopardise his movement. Rao presents various points of view in favor of and against both, the Jan Lokpal and the UPA government's Lokpal bills; but in the final analysis he is against political lobbyists dictating

terms. He promotes upholding the supremacy of Parliament because members of Parliament have the popular mandate. Theoretically, this view may be unarguable. But what is the reality? Given that elections in this country are funded by dubious sources that rule out honest, paisa-less candidates from winning elections, and that a party without a majority vote can come to power by cobbling together smaller, diverse parties, does the majority ruling coalition represent a majority view?

Secondly, and more importantly, when there are so many tainted MPs, when the attendance of MPs in Parliament is abysmally low, when scenes of hooliganism disrupt the working of the House, doesn't the supremacy of Parliament come under attack? If lawmakers themselves are corrupt (Tihar jail is rapidly filling up with parliamentarians), harping on the supremacy of an abstract Parliament serves no purpose. Unusual situations call for unusual remedies, and that is why Anna's methods of coercing elected representatives (who have been milking the coffers of the country with impunity for over six decades) to govern the country in a corruption-free, accountable manner are valid.

With both sides having arguments that need scrutiny, the need of the hour is for both of them to give up their pugilistic approach and sit down together to draw up a bill that takes into account not just the present corruption-ridden scenario but also incorporates stringent checks against a worst-case scenario of the Lokpal itself turning rotten.

Ashutosh in his famous book, "Anna : 13 Days That Shook India" Anna Hazare's fast unto death in August 2011, demanding the enactment of a strong Lokpal Bill, was a watershed moment in post-independence India. Coming soon after a slew of corruption exposés, the movement galvanized an increasingly disenchanted middle class like nothing had in decades. Well-known Hindi journalist Ashutosh weaves together the story of the thirteen days that changed India. He had a ringside view of the developments, stationed as he was at the Ramlila Grounds in New Delhi, the venue of the fast, and had intimate access to the two warring parties: the Congress government at the Centre and Team Anna. Evoking the Jayaprakash Narayan movement and Gandhi's satyagraha, Ashutosh mines the history of India's post-independence politics to understand the phenomenon that is Anna Hazare.

Kiran Bedi in her book *Be the Change Fighting Corruption*, Corruption has seeped so deeply into the systems of governance in India that the common man has lost faith in every administrative process. The wide spread disease of corruption can only be cured by a total revamp of its political, investigative and prosecuting system. What We are seeing all around us

today is nothing but loot: Loot of very high scale to the extent we can't count the number of ZEROS. And as this started to unfold with the commonwealth games exposure, it got my goat. I started to be a part of a collective voice which became louder by the day. At times very shrill, not by choice by compelling circumstances. But all for one common cause--- a well governed India-- - a better India which makes us all prosperous and our next generation secure. This is the spirit behind this collection. If the corrupt can unite for their vested interest, why we, the victims, not unite for ourselves?

In his book, N Vittal 'Ending Corruption', How to Clean Up India' could not have been better timed. The book, written by an 'insider', who held the responsibility of dealing with corruption by government officials, as India's first Chief Vigilance Commissioner, provides a valuable insight into the political, official, commercial dimensions of corruption. Every right thinking Indian agrees that corruption is today eating into the moral fibre of the country's body politic and society. The book, authored by Vittal, is appropriately dedicated by the author to 'all my fellow Indians, who want to free our dear country from the disease of corruption'. Mr. Vittal would perhaps have been more accurate if he described corruption as a 'cancer' and not just a 'disease'!

Vittal's revelations will come as no surprise for those millions in India who are subject to corruption, which is a day to day feature, ranging from bribing police officials to even register a citizen's complaint, or getting an entitled ration card, to the travails of the well heeled businessman who finds that he gets his sanctions to run and expand his business activities only after he greases the palms of officials and politicians. Corruption pervades and perverts virtually every aspect of national life of India. A study done by Transparency International (TI) in India found a few years ago that more than 50 percent of the people had firsthand experience of paying a bribe or peddling influence to get a job done in a public office. Vittal has looked at the growth of this cancerous tumour through his long years as a civil servant, culminating in his tenure as Chief Vigilance Commissioner. He has written and spoken extensively, even after his retirement in 1996, as an activist highlighting the causes and remedies for corruption.

Vittal draws attention to the many and diverse factors that cause corruption to erode the moral fibre of Indian society. He does not offer any simplistic cures to address the malady. He rightly attributes corruption to "the lack of integrity--whether intellectual, moral or financial", adding that "when integrity fails, society collapses". The very first chapter titled "Multiple Organ Failure" spells out estimates of bribes paid in virtually every sphere of government activity,

including hospitals, school education, electricity, employment guarantee schemes for the poor, land records, housing, banking and police. Subsequent chapters, which diagnose the malady, dwell at great length on the linkages between the electoral system and the funding of elections by “black money” on the one hand, to the rise of criminalization of growing sections of the political class on the other, make interesting reading. Many Indians, however, instinctively know of and have firsthand knowledge of these maladies, from their own day to day experiences. Vittal rightly notes that despite measures taken by successive Chief Election Commissioners, the pernicious role of “money power” in elections and political life in India is all pervasive. There has also been resistance from the “political class” to moves that would disqualify those charged by a court of criminal offences, from participating in elections. An estimated 120 members of the Lok Sabha faced criminal charges in 2008.

Subsequent chapters of the book deal with how the functioning of the bureaucracy, judiciary, media and corporate sector has contributed to the growth of corruption. Moreover, collusion between different sections of society and the State apparatus has increasingly fostered corruption. Vittal explains the travails of honest civil servants, who refuse to fall in line with existing practices of corruption by their superiors and political leaders, resulting from arbitrary and frequent transfers and their replacement by “pliant” colleagues, all too ready to join the corruption bandwagon. Recommendations by several Reforms Commissions to address this malady have been deliberately overlooked and not implemented.

Figures in the very first chapter show the huge extent of bribery in the police. But, a judgment by the Supreme Court, which would effectively make the functioning of the police force outside the realm of political interference, has been defied and not implemented by any State in the country. The political class appears to be prepared to defy constitutional norms to retain its control of the police force, as coercive police powers are routinely and often used, to daunt and deter those who raise inconvenient questions about the country’s rulers.

The rise of movements like social activist Anna Hazare’s “India against Corruption” is a clear sign that India’s growing and influential middle class is getting increasingly restive at the prevailing maladies in India’s body politic. The last two years have seen the focus of increasing media attention on what are now described as mega-scams, starting with the scandals that plagued the poorly organized Commonwealth Games in the Capital last year. Since then activism by the Supreme Court led to the exposure of the scandal in allocation of spectrum by the Telecommunications Ministry and the arrest of then Communications Minister A Raja. This has

been followed by revelations of gross improprieties in the allocation of coal mines. Sadly, neither the ruling dispensation, nor the principal opposition party have added to their credibility, when their leaders or those close to their leaders, have been faced with charges of corruption, which are seen as credible, by the public at large.

O P Dhiman And C P Sharma in their book 'Corruption And Lokpal', The book 'Corruption and Lokpal' is the outcome of Anna Hazare's agitation and the government's reaction against it. It discusses the history of corruption and Lokpal bills since Nehru era. It also discusses how the fate of this bill hangs in fire by the evil designs of some of the corrupt politicians. The book deals with corruption, black money and Lokpal bills in a simple, lucid and intelligible way in the light of present socio-politico-economic conditions in India.

Kuldip Nayar in his article 'A dead civil society' he wrote as follows: In Parwan province, north of Kabul, Afghanistan's capital, a gunman shoots a woman dead to the delight of wild crowd. Taliban had held her guilty of 'adultery' in a Kangaroo court. Hundreds of women dared them and came on to the streets in support of the murdered woman.

More or less at the same time and at the same distance from India's capital, New Delhi, a Muslim village in UP gives women the Taliban-type diktat not to go to the market without escort, not to use mobile phones and not to have a love marriage. In this case, there is no protest and even politicians prefer to keep quiet. Instead, a Khap, a combination of 35 panchayats, endorses the furman (order) while the Supreme Court wants some action against the Khap.

Something more shocking and scandalous happens at Guwahati, where a 17-year-old girl is molested in public. A local television channel telecasts the incident the whole day long. The editor and the reporter of the channel resign when their complicity becomes public. The police is late to act and so is Assam chief minister Tarun Gogoi. The National Commission for Women tarries behind at Delhi until the media points a finger at its indifference. The senior superintendent of police is merely transferred after the demand by the academicians.

Not long ago, girls in Pune were asked by the self-appointed custodians of morality not to wear jeans. In Mumbai, a similar force forbids women from going to the bars. In Assam, a legislative assembly woman is beaten mercilessly because she marries a Muslim. A nine-year-old girl is killed when a member winning the corporation election fires at random to celebrate his victory.

All these incidents may seem unconnected and taking place far from Afghanistan. Still they have the same pattern of irresponsibility and the same ruthlessness that has distinguished

Taliban from other terrorists. The former want to register their cruelty beyond comparison. Indian civil society, the thinking segment of the nation, remains quiet. There is no evidence of its unhappiness, much less any demonstration. People shrug their shoulders and put the entire blame on the government. The elite does not mention such incidents in their drawing rooms lest they should spoil the mood of over-dressed, over-fed class. The media reports some incidents but does not pursue them except Arnab Goswami, who is relentless in exposing such horrors and dwelling on them.

By announcing that it is against the cricket series between India and Pakistan this December, the Shiv Sena has again shown its same old bias. This organization is like any other set of fundamentalists who are out to pollute the atmosphere of amity. Some similar organizations and individuals may adversely react to resuming India-Pakistan cricketing ties. Retired players on both sides should voice their protest against those who are trying to sabotage the series that may make even the Pakistani authorities sit up and ponder over the court's rejection of the judicial commission's report on 26/11.

The tragedy is that the right thinking people choose to keep quiet and leave everything to the government which has its own policies. The question that the Indians have to ask themselves is: Has civil society become effete because it is afraid of being targeted or is it a victim of the Taliban-type culture where the people has effaced the thin line between right and wrong, moral and immoral? Whatever the answer, the fundamentalists cannot escape the blame. They are brainwashing young men in the name of religion and they are the ones who, in turn, are hijacking the society. Even those who feel that there is victimization of women or the marginalized, they keep quiet lest they should become unpopular in the eyes of fundamentalists. They do not dare to join issue with either a maulvi, a pandit or a granthi.

Civil society all over the world represents the nation's conscience. True, it is invariably lost in its own doubts, ifs and buts, but it does assert itself at times. They are the ones who have to call a spade a spade. If they do not—and invariably they don't—they harm the cause and encourage the wrong-doers. Their silence is the loss of society.

The researcher have seen that civil society, over the years, has become insensitive. Even the slightest wrong used to create furor but now it does not care as if cruelty has become part of living. When pushed or cajoled, a segment of society expresses itself but it goes back to its inactivity and slumber when it should be in the field all the time. True, the government should be

more vigilant and prompt but it has got into the habit of making loss and leaving at that. That is the reason that one sees the law is more violated than adhered to.

Martin Luther King has said: The day you see the truth being challenged and you do not speak out is the day when you begin to die. This is probably too high an expectation in a society which is too absorbed in making money by hook or by crook. Yet it is the duty of every person to preserve the fundamental values of a democratic society. He or she must display a degree of vigilance and willingness to sacrifice. Without the awareness of what is right and a desire to act according to what is right, there may be no realization of what is wrong.

The role by human rights activists is commendable. Thousands of them are working at the grassroots level throughout the country and facing the wrath of extremists on the one hand and the repressive authorities on the other. The successes of activists may be limited as compared to their failures but the nation should be grateful to them because civil society is complacent and the government-sponsored bodies are on the side of the political party which appoints them. The truth has strayed from the path of righteousness. The activists alone are trying to retrieve the situation but with very little success. Civil society has to put its act together and speak out to be counted.

Vinod Pavarala and Kanchan K Malik in their writings in 'Social Constructions of Religiosity and Corruption' wrote that, Religion coexists with what may be described as a liberalized, cosmopolitan and global outlook among Indians and remains an indispensable part of the cultural ethos and social fabric of Indian society. However, interpretations of both religion and corruption are extremely diverse. Notwithstanding the existence of deep-seated faith with strong moral values, religion is not seen as contributing to the moral or spiritual fabric of the nation in present times, while corruption is regarded as pervasive. Very few of the respondents canvassed in this study thought that we should count on religion to make a difference in people's general attitudes towards corruption. Respondents indicated that their confidence in the accountability of religious organizations is low, and it is therefore problematic to assume that religious organizations are likely to be either appropriate or effective vehicles for fighting corruption. In fact, religion is looked upon as a discredited entity by many, largely due to a sense of popular disillusionment with its caretakers.

"Duragraha in the name of Satyagraha: A Gandhian Perspective" by Alok Bajpai wrote that, In our present state of parliamentary democracy, persons without any record of service to the people can get elected to legislatures, depending on the strength of party badges and money-

power and/or muscle-power. That is why, in every general election, the percentage of legislators with criminal records has been steadily increasing.

The author's statement that "the present movement of the Anna Team and others" is going to lead the country to "a political catas-trophe" has served as an apologia for those who are steeped in corruption. Events during the last week have proved that the movement has served as a wake-up call and struck fear in the hearts of those who have been indulging or acquiescing in corrupt practices. This movement has presented a grand opportunity to set up new, and to streamline the existing, check-and-balance institutions to ensure a system of clean administration at all levels.

The researcher feel that Team Anna should also have focused on the imperatives of (i) gram sabha as the prime legislature for the village; and (ii) the reversal of the existing paradigm of development in favor of decentralized political and economic powers, based on grassroots people's participation in political decision-making and in steering economic activities with ecological sustainability. Without changes in these basics, eradication of corruption in all its forms is impossible. Team Anna's Jan Lokpal Bill, if enacted, will be able to check only the blatant forms of corruption.

The Jan Lokpal Bill has rightly included the Prime Minister and judges within the ambit of the Lokpal panel's watchfulness. As constitutional functionaries wielding vast powers over public life, they cannot be exempt from investigations by an independent body, if there are whispers against any of them. Looking the other way when a crime is being committed under one's nose is also to be treated as a culpable offence.

Since the judiciary as an institution remains inviolate, there can be no question of compromising its independence. Rather, as its aftermath, the majesty of the Courts, cleansed of all shadows, will rise to a new height and the clean judges will come to enjoy much greater respect. While nobody will question what a MP says in Parliament, the buying of MPs' votes, as happened during P.V. Narasimha Rao's premiership or on the eve of passage of the Indo-US nuclear deal, must come under the Lokpal's scanner. Since the CBI has, on very many occasions, allowed itself to be used as an instrument in the hands of the ruling politicians, it, too, must come under the Lokpal's overseeing. But Aruna Roy's point is valid: "One Lokpal panel should focus only on the big-ticket corruption cases involving Ministers and senior officers." Too much load on one panel would make it ineffective.

But the question of questions is: will there be only one Lokpal panel or several, distributed over functional spheres and geographic zones? And how will they be chosen? The usual procedure of the Prime Minister, the Leader of the Opposition and one Supreme Court judge jointly making the choice will be inadequate in this case. Approval for the Lokpal panel must come from a wider base. Similarly, the appointment of the Lok Ayukta at the State level must have approval from both the Assembly and the Legislatives Council, if the latter exists. Bagwat Prasad in his article 'Anna and his Critics' wrote that, Anna and his team are great crusaders against corruption. Maoists want systemic change. Anna's team aims at intensifying Indian democracy in tune with the spirit of the Constitution, reflected in the Preamble. The Hindu in its editorial (29.8.2011) writes: "In India, unlike in Britain, Parliament is not supreme. Constitution is." Maoists want to overthrow the Constitution. The Jan Lokapal Bill of Team Anna serves the cause of democratic decentralisation and vigilance by suggesting many steps including the institution of Lokayukts in States. These are steps in consonance with the Constitution.

Anna's critics like Arundhati Roy have great intellectual stature. They have often earnestly taken up the issues of the underprivileged. The critics of Anna are serving democracy by raising important issues. The final Bill will take shape after discussions in the Standing Committee. Anna's team has shown sufficient flexibility in accommodating the views of differing parliamen-tarians. They have rightly stuck to the core issues.

Both Maoists and Gandhians are pro-people, but a world separates their attitudes. A Maoist says: "I am certain. So, you have to die because I hate you as the enemy of my cause." A Gandhian says: "I am certain. So, I am ready to die with love for you in my heart." Both Gandhi and Marx were fanatics and liberals by turn. Voltaire was the greatest European liberal, but he made a fanatical statement when he said: "My views are different from yours, but I am prepared to die to uphold your right to independence of opinion."

Before Anna's fast, people were feeling frustrated. They had given up hopes of changing the set-up. The Constitution has been subverted to serve the interests of parties and individuals. What we are witnessing today is a sort of constitutional fascism. Political parties are devoid of democratic structures. The High Command decides everything including the choosing of the State chiefs. The High Command may be constituted of an individual, a group or a family. Communalism and casteism, money-power and muscle-power play key roles in many constituencies. Feudal tendencies, like blind loyalty to an individual, a family or a party, guide

the voters in elections. But, on occasions, even Indian rural voters have shown sufficient maturity and vigilance in some important decisive elections and have made powerful heads roll in the dust. We owe a heavy debt of gratitude to Jayaprakash Narayan who enthused the people to overthrow the Emergency despots.

Elections take place generally after an interval of five years. Have the voters no role during the interval? Parliament is being dominated by Crorepatis. Should the people watch with helplessness the rising tides of corruption, boosted by the Neta-police-raj leading to the militarisation of society? Maoists have one answer; the Gandhians, another. India, in the twentieth century, had the unique privilege of having produced a galaxy of great leaders, some of them Gandhians, and others, of a different hue. Though they lacked state power, JP and Lohia, Ambedkar and M.N. Roy were great leaders of the people of whom any nation can be proud.

A colossus like Gandhi may adorn the stage of history once in a millennium. We are fortunate to have mini-Gandhis like Anna amongst us. Anna is not an intellectual, but he has a big heart. He is ably assisted by a team of legal experts and non-sectarian democrats. Rural India's imagination does not get fired by a gun-handling Che or Mao. The whole of India dotes on a scantily clad, fasting pilgrim of peace and non-violence preaching to people. Who can forget the Buddha, Mahavira and their disciples? They are the products of a unique culture.

European and Indian civilisations developed in two different routes. While the European civilisation stressed rationality, India's stress on right reason was preceded by prior stress on right emotion. India's pursuance of right emotion led its sages to the holy regions of non-violence and Aparigraha (minimising one's wants). While Europe's philosophers revelled in just wars, Indian philosophers emphasised the unity of the whole living world (Gita 18-20) and condemned every sort of violence. Unlike the Greeks and Palestinians, India's leading thinkers generally abhorred the eating of meat. Charvak lost his life as he condemned the meat-loving Vedic-Aryan priests. India's dominating sects of the first millennium (the Buddhists, Jains and Ajivakas) accepted non-violence, truth, and Aparigraha as the greatest values in life.

Another trend that goes against India's great traditions is the own-group-love craze. Only members belonging to that particular community are qualified to speak on behalf of that community. A non-Dalit, a non-Adivasi or a non-proletarian conscientious fighter for their causes is generally a suspect. Ancient India gave the highest honour to Rajarshees (Tribe-Chief-Mahayogis) like Rishavnath, Janaka, the Buddha and the Tirthankaras. Mahavir and the Buddha belonged to the leading families of their own communities who voluntarily relinquished their

privileges and accepted poverty. Today's leaders, even those belonging to the poorer communities, greedily welcome riches, power and honour as if to compensate for their past destitution. The middle class in India is no doubt overwhelmingly steeped in corruption. But there are occasions when they stake their wealth and liberty for the right cause. A Prashant Bhushan, a Kiran Bedi or a Kejriwal are risking much when they defy the powers that be through plain-speaking. The middle class is definitely consumerist but their support for Anna need not be belittled or ridiculed.

There are many good and committed people working in many fields. Irom Sharmila's sacrifice is undoubtedly of the greatest nobility and courage. The sufferings of farmers, the harassment of Dalits and women, the exploitation of Adivasis are all a shame. Every issue is of tremendous importance. Corruption feeds all issues in India and raises the suffering of different sections of harassed people to unbearable heights. Corruption affects every Indian, be he rich or poor. Anna, with all his faults, has become a symbol of hope for the frustrated commoners. He has touched a chord, unexplored since the days of Jayaprakash. In her essay (The Hindu 21.8.2011), Arundhati Roy points out the errors made by Anna on different occasions. She is right. Mercifully, Anna's team is free from these community-centred errors. Anna may learn as Gandhiji learnt in his later days that it was wrong of him to support the Varna Ashrama system earlier.

Prabhat Patnaik, in an essay in The Hindu, points to the danger involved in Messiah-worship. Tagore accused Gandhi of the same fault and warned him of moral fascism (Gandhi-devotion cult) that may develop in India. Gandhi assured Tagore that he was aware of the danger and was taking steps to educate his followers properly so that such an abuse of personality cult would not plague his countrymen. Ancient India of the first millennium BC was free from any sort of Messiahism. The Buddha exhorted his followers to have a critical attitude even towards his own words. He refused to name a successor when Anand approached him.

Prof Thorat, in an essay in The Hindu, compares Ambedkar's methods of struggle with those of Anna. He praises Ambedkar for his espousal of the constitutional path. Anna has taken up an issue that needs instant attention and the delay involved in following the constitutional path may prove fatal to the people's cause of abolishing corruption. Unlike in many other civilisations and cultures, critics of popular heroes, conscientious individual dissenters, ready to face humiliation by defying popular conceptions, attitudes and customs, are held as ideal men and women in

ancient India. Mahabharata is clear about this. A wise man should always welcome dishonour and insult like nectar. He should treat honour and praise as poison.

The Buddha in Dharmapada warns his followers to shed the ambition of becoming respectable and popular. Anna's critics have not hesitated to write unpopular essays. Democracy blooms in such circumstances. Both Anna's team and his critics are worthy citizens of India. Neither Maoism nor the present type of parliamentary can solve the problems of modern India. Maoists, as Bal Gopal said, have made Adivasis conscious of their exploitation and have led successful struggles for their rights. Parliament in combination with the judiciary has succeeded in preserving the democratic structure to a certain extent. Gandhi mentioned the defects of the parliamentary system in his book, Hind Swaraj. What we need is a third force: the civil society in satyagraha-based creative tension with the authorities. Social, political, cultural and economic justice within a democratic structure should be pursued by the leaders of the civil society. We need the support of the middle class for strengthening the civil society. The middle class is more sinned against than being a sinner. A faulty global culture and unhealthy institutions and ideas are choking its justice-based democratic spirit

Our Crorepati authorities are bent upon destroying the civil society by hook or crook. They welcome a brutalized militarized society where the civil society is non-existent. Maoist violence, concentrated in certain belts, does not shake their throne. Even a long stalemate does not affect them much. It helps them to divert the attention of the public. The way Anna's teammates are harassed speaks much about an insidious strategy of 'Truth Hunt' using imperialist techniques to harass their opponents. Individuals in high position and hallowed institutions that sustain democracy, claiming immunity from criticism are likely to become corrupt and Fascistic. Anna with his team has struck a strong blow for democracy. They deserve the support of all citizens.

N V K Murthy in his article 'Anna Hazare in Historical Perspective' explained that, Anna Hazare's movement and hunger strike to have the Lokpal Bill tabled before Parliament created a stir in the whole country. Thousands upon thousands of people, men and women, young and old, joined the movement all over the country. Memories of the freedom movement under Gandhiji's leadership were evoked. Anna Hazare was hailed as another Gandhi come to life. It will be instructive to view Anna Hazare's movement in the historical perspective.

It is not as if the Indian people suddenly woke up to the evil influence of corruption in Indian society. Even in pre-colonial days, India was a hierarchical society. There were privileged

classes in power and there were the people who were ruled by these classes. The underprivileged took it for granted that they could never claim equality with the privileged. Against this background Gandhiji's movement for Swaraj based on gram-panchayats was a revolutionary ideal. For a gram-panchayat rule, decentralisation of power right to the grassroots is of the essence. This was the ideal before the Indian people when ultimately India became free in August 1947. Then the question of a Constitution for the Republic of India came up. A Constituent Assembly was formed. A Constitution was drafted. Finally a new Constitution for the Republic of India came into effect on January 26, 1950. But as it always happens, the gap between the reality and the ideal was great. However, the Constitution made it possible for the people to dream of the ideal.

Then came the Five-Year Plans under Nehru's leadership. The idea of a planned society had come up even earlier, before India became independent. It was under the leadership of Subash Chandra Bose, the President of the Congress, that a National Planning Committee was set up. A well-known economist, Prof K.T. Shah, was the Chairman of the National Planning Committee. The main driving force of the Planning Commission set up by Nehru was a statistician, Prof Mahalanobis, who was the founder-Director of the Indian Statistical Institute. The first two decades were of great optimism. These were the years when the foundations were laid for industrial India. It is relevant here to remember that when it came to projects like building steel factories, the only Indian who came up with a viable steel project was Tata.

There were no other industrialists who were as farsighted as Tata to wait for a long gestation period before the project paid off. So, the government had to invest in all the heavy industries that later helped ancillary industries to come up. Even during these days there were cases of corruption. The most important that comes to mind is the Mundhra case. When the case came up in the Bombay High Court, attempts were made to have the hearings "in-camera". This would have excluded the public and the media from attending any proceedings of the case and kept the proceedings secret. It was only a resolute Chief Justice of the Bombay High Court, Justice M.C. Chagla, who put his foot down and insisted on a public hearing. This is the first instance where transparency of the government and the right of the people to know what was happening was ensured by the resolute action of a high-minded Chief Justice.

But this did not mean an end to secret dealings in government affairs. While Gandhiji's movement advocated transfer of power to the people, transparency in governance, and social and economic justice, the reality on the ground was quite different. In a previously hierarchical

society these ideals were not easy to achieve. It required a complete change of the mode of thinking. For example, the Constitution of India made untouchability a criminal offence. Yet, this social evil continues to this day in various parts of India. Privileged classes continued the practice of denying equal opportunity to the Scheduled Castes. Parliament came up with an Act reserving seats in educational institutions and public services for the Scheduled Castes and Scheduled Tribes and later for backward communities. When this was first mooted in Parliament, it was meant to be enforced only for ten years by which time it was expected that the Scheduled Castes and Tribes would have come up to a level where no such reservation would be necessary. But this did not happen and the reservation continued to be enforced for longer periods. Given the electoral system, these reservations created vote-banks which were manipulated by influential politicians. This led to more corruption. Essentially this corruption could flourish only by a nexus that was formed between corrupt politicians and corrupt bureaucrats.

It is significant to remember what the Swedish Nobel laureate Gunnar Myrdal said in his monumental book, *The Asian Drama*, which was a study of the phenomenon of the poverty of Asian nations. He said that the newly emerging free nations in Asia and Africa would certainly not suffer from lack of plans for development. The big problem they would have to face would be corruption amongst the ruling classes. He was prophetic in this regard.

But along with this corruption amongst the privileged classes there was a great growth of social organisations in diverse fields. All of them contributed to a greater awareness among the people of what was going on in the socio-economic-political environment around them. For example, there was the “Chipko” movement, under the leadership of Sunderlal, Bahuguna in the Himalayan region against indiscriminate deforestation. As the most affected were the women-folk, they were motivated to go into the forest and embrace the trees to prevent the contractor’s men from cutting them down. One thing led to another and the women, who were thus empowered, started challenging their drunken husbands to come back home sober or spend the night out in the open. They also organised literacy classes for themselves. In Kerala there was a Shashtra Sahitya Parishad, which organised teachers, civil servants, students, and a whole lot of others to build libraries in villages and towns. These libraries became the centres of debate. All activities in the public sphere were discussed.

Elsewhere in Rajasthan, an unlettered woman, belonging to the Scheduled Classes, who was sexually exploited, started an organisation called “Saathin” (meaning friend) and organised

underprivileged women in rural areas to fight for their rights. There were literally thousands of such organisations that sprang up all over the country. In fact, these social organisations inspired the writing of a book in 1996 entitled *Averting the Apocalypse*. This book was written by Mr Bonner who had served for a long period in India as a New York Times reporter. He came back to India, studied these organisations, and felt convinced that only their activities could prevent the collapse of the country.

In the sixty-odd years that India has been free there have been a series of attempts to enlarge the participation of the people in the government, and ensure transparency in public affairs. These movements were a direct response against the wheelings and dealings carried on in the secrecy of the corridors of power. The privileged resisted all attempts to make governance more transparent under one pretext or another. Sometimes, to appease the masses they would make an empty gesture and not follow it up with effective action. For example, the Panchayati Raj Act was enacted during Rajiv Gandhi's premiership. This was an Act meant to decentralise power right to the level of the village panchayat. But this decentralisation of power was effectively under-mined by a lack of financial decentralisation. The effect was that the village panchayats had to look to some central authority at the State or national level for funds. This in turn made the village panchayat subservient to that authority.

At other times the sanctity of the privacy of contracts in business was evoked when people wanted to know the terms of any contract that was signed with multinational corporations. A contract signed by the Maharashtra State Electricity Authority with Enron for generation and distribution of electricity was a classic example. The people who opposed it were not ignorant. They were professional engineers who had spent all their lives in the field of generation and distribution of electric power. They demanded that the terms of the contract be made public. Political stalwarts belonging to different parties came to the defence of Enron, saying that this would be a breach of confidentiality under the contract. It was only when the enormous fraud of the company came to light in the United States of America that the suicidal terms agreed to by the authorities in India saw the light of day.

It was in the wake of such agitations that the "Right To Information" (RTI) was finally enacted. In spite of Acts like the RTI, corruption in high places continued as witnessed in the Commonwealth Games scandal and the telecomm scandal. Perhaps it was the enormity of these last scandals that burst the dam of public patience and resulted in the movement launched by Anna Hazare. The Lokpal Bill was mooted decades earlier but had been put on the back-burner

all these years. It needed an Anna Hazare to bring it back to life. It now looks as if some action will be taken willy-nilly and a Lokpal Bill with necessary teeth will be enacted. As one of the young parliamentarians pointed out during the debate on the Lokpal Bill while Anna Hazare was still on fast, the passing of the Lokpal Bill will not be a panacea to the prevailing ills of governance. It will require a series of actions including the change in the electoral rules to prevent the undue advantage of money power to influence elections.

So it should be remembered that this is only the next stage in an ongoing battle. As it has been aptly said, “The price for an effective democracy is eternal vigilance.” The people of India have been roused. There is no room for pessimism now. The entire country seems to have risen and seems to be marching, chanting as it were the title of a novel written by a well-known journalist writer of the times, Khwaja Ahmad Abbas, which he wrote on the eve of India’s freedom, tomorrow is ours.

The article entitled ‘Why Anger Against Civil Society?’ by A.K. Verma wrote that, That the government should have turned down Team Anna’s draft on the Lokpal Bill and pushed him to protest is quite understandable. Anna’s desire to fast at Jantar Mantar, and the government’s pre-empting the same by imposing Section 144 all over Delhi, and suggesting some insignificant place for the fast with ceiling on the number of people who can join the fast was a clear indication of some panic driven anger on the part of the government. But, should the government show anger and panic against the initiatives of the civil society?

The civil society is not only the precursor of political society (state/government), but also its mentor. It is true that the state possesses legal sovereignty, yet the government exercises that sovereignty only as a ‘trustee’, a trust created by mutual covenant among the members of the civil society. At the time of creating that trust, the civil society had laid down certain norms for the exercise of that sovereign power and those included the power to make law and govern well. For centuries, the civil society gave political society (state/government) a free hand by way of love, confidence and trust. The government was expected to govern so that the civil society could concentrate on its multifarious civil, cultural, economic, religious, educational, philanthropic and humanitarian activities. That led to a disconnect between the civil and the political society enabling the latter to wrongly visualize itself not simply as the ‘trustee of sovereignty’ but it’s actual ‘proprietors’. With this, it not only acquired arrogance, but also became intolerant about the policy interventions from the civil society. That often led to conflict between the civil and political societies. Anna’s example is not the first; we have the example of

JP (Jayaprakash Narayan) representing the civil society clashing with the arrogance of the state and government represented by Mrs Indira Gandhi during the early seventies.

When the political society (state/government) goes astray and grossly misuses its power and transgresses its mandate, what are the options before the civil society in a democracy? One, the civil society could be a hapless spectator; two, it could protest democratically; and, three, it could challenge the political society by temporarily assuming the ‘political role’. It is only when the civil society tries to assume the third role that the political society feels greatly disturbed. This is precisely what is happening in the case of team Anna’s initiatives towards legislation (basically the work of the political society). The same thing happened in the early seventies against the JP movement that dislodged the government and captured power at Delhi in 1977.

It is true that the earlier fast of Anna for creating an institutionalised mechanism to fight corruption created unprecedented euphoria and support across board, and his new initiative is also going to attract and involve all, including the political institutions like parties and politicians in their individual capacities. That reminds us of the JP movement which had such a hysterical public response acquiring the character of a political hurricane that threw away the authoritarian regime of Indira Gandhi in 1977; in the entire Hindi belt, Indira’s Congress did not win even a single seat. However, the political role of the civil society is very short-lived and it wants to extricate itself from the hustle-bustle of power politics very quickly. That happened in 1977; JP did not join the government nor choose to be its advisor; and, the same will surely happen to any initiative by Team Anna—which would also like to withdraw to the ‘shell of civil society’ once the mission of Lokpal is accomplished.

The ire and annoyance of the political society (state/government) against the civil society are precisely because of this. The political society apprehends that the civil society is trying to force something on the political society without being available or prepared to take the responsibilities of its consequences. This apprehension is not without any basis. But, then the issue of corruption is so grave that it has the potential to denigrate our democracy into a ‘mafocracy’ and replace the ‘rule of law’ by ‘rule over law’. How can the civil society remain a mute spectator to all this? Will such a society with ‘rule over law’ be good for the health of a democratic political society?

The present crisis is not simply about handling corruption through the Lokpal. On a deeper rethink, it’s a crisis emanating from the fact that the civil society has come out of its self-imposed political hibernation and entered into the arena of the political society which the latter

resents as unwarranted encroachment. By its very nature and constitution, the civil society is a loose, unorganized and non-institutionalized entity; hence, though it may have a serious and massive public following, finally it has to vacate the field for the political society which is firm, organized and institutionalized. And, precisely this is the reason why the anger of the government about the legislative initiative of the civil society appears misplaced. The government should be gracious enough to engage the civil society in developing a collective bulwark against corruption and misgovernance, ills that are detrimental to the health of both the civil and the political societies.

After taking all the reviews of the literatures, I have my opinion that all the previous study have certain advantages, disadvantages and limitation. But my study totally different from others. My study is to explore the problems and prospect of the corruption in India during the period of 2005 and 2011 that started from Right to information and ended with anti-corruption movement led by Anna Hazare. It also gives overview how to control corruption in India.

3. Research Methodology

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3.1 Introduction:

The review of literature in the previous chapter reveals that a good number of research works has done on corruption in India. But there are no studies on the role of civil society to curb corruption in India, in between 2005 to 2011. Hence, this study is a new attempt, not only to discuss on central but in grassroots level too. The review of literature clearly says that there were no earlier studies on the present study of the role of civil society to curb corruption in India, in between 2005 to 2011. That's why this study is necessary to take up as it would bring the research gap and contributes to the enrichment knowledge.

The present chapter deals with research methodology. In this study, qualitative methodology used to find the “The role of civil society to curb corruption in India, in between 2005 to 2011”. The qualitative techniques are utilized for this study. The study focused on civil society in India and its effects. The study is limited to only civil society. In this study, the researcher would like to study the role of civil society and its role in demolish corruption in India. The researcher would like to find out philosophy and background of the demand of new policies for eradicates corruption.

Fighting corruption has emerged on a key development issue in India recently. Former President Abdul Kalam said that “corruption is the single most important reason affecting growth.” It distorts proper functioning of the democratic institution and is a symptom of deeper institutional weakness and legal loop holes. This malaise has been eating in to the very polity of societies and distorting development resources to the extent of undermining democratic institution and their values. The Global Transparency International Report (2009) defines corruption as ‘abuse of entrusted power for private gain.’ The entrusted power is not only the power a citizen confers to a public office holder but it is also the power that future generations have rested in all of us, in own stewardship role for the planet. Likewise abuse for private gain goes beyond corruption in that former it so often taker – misappropriation of funds, bribery in awarding of contracts and nepotism all of which undermine good climate governance and extend to new arenas such as distortion of scientific facts, break of principles of fair representation and false claims about the green reductions of consumers products.

The World Bank defines civil society to “refer to a wide array non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations.” Civil Society is nothing but the citizens of the country demanding accountability

from their elected representatives. It comprises the 'intermediate associations of society', academic, cultural, religious or charitable separate from the family, the state and the market. It is the arena outside of the family, the state, and the market where people associate to advance common interests.

Ostensibly non-political CSOs (civil society organizations, distinct from NGOs) had long carried out vital regional and communal functions: lobbying state governments, championing local causes and mediating local conflicts. But the renaissance of an anti-graft movement led by Anna Hazare and Baba Ramdev, the yoga guru, has transformed the nature of civil society activism. The anti-corruption movement is unorganized, popular, democratic and stridently political (campaigning for its version of a Lokpal Bill); by seeking to end official corruption, the movement set out to challenge a truly national malaise. The success with which anti-corruption movement has galvanized Indian has inspired many hyperbolic claims, but one that is undoubtedly true is that civil society activity has now reached its highest point since India gained independence in 1947.

Civil society member, Arvind Kejriwal along with Aruna Roy and others campaigned for the Right to Information Act (RTI), which soon became a silent social movement. In 2001 the Delhi Assembly passed its Right to Information Act and in 2005, it became a national law after the Parliament of India passed the Act. Thereafter in July 2006, he spearheaded an awareness campaign for RTI across India. He got the Ramon Magsaysay Award for his contribution towards India's right-to-information movement at the grassroots, empowering New Delhi's poorest citizens to fight corruption by holding government accountable to the people. Kejriwal has been using RTI in corruption cases in many government departments including the Income Tax Department, the Municipal Corporation of Delhi, the Public Distribution System (PDS), the Delhi Electricity Board and others. Knowing how to use Right to information Act, Common People (Aam Admi) started using it and lots of corruption and scams stated revealing.

Tired over the government's inaction corruption and bringing the guilty to book, a movement has been launched under the leadership of Anna Hazare; this has garnered massive support all over the country. The Government finally announced that a Bill will be brought in the Parliament in the monsoon session of 2011 and agreed to discuss its terms with civil society leaders. A proposal for Jan Lokpal is pending in the Parliament since society leaders. A proposal for Jan Lokpal is pending in the Parliament since 1968 but for want of political will it could not be enacted. The key features of a strong Lokpal Bill, proposed by the civil society, are as

follows: It should be a multi-member body completely independent panel; it will have its own independent investigating and prosecuting agency; all anti-corruption agencies such as the CVC, CBI, ACB will function under its wing and it will complete the enquiry in a time-bound manner. There will be special courts for trial and punishment of persons found guilty and it will have the power to recover illegal money and assets amassed by guilty public servants. There should be a single Act which will constitute separate Lokpal and Lokayuktas at the Centre and in the States to deal with Central and State public servants and all public servants, including lower level functionaries, should be brought under its umbrella. An independent, empowered Lokpal/Lokayukta, who can mete out swift and exemplary punishment to corrupt public servants, will be a major step forward to clean up the country's body politic. In following section the objectives, hypothesis and research questions of the study clearly mentioned for guiding the research work as follows:

3.2 Research Problem:

The present sections deals with the research problem and its formulation. The research problem of the study is Corruption and its eradication in India. A study on the role of civil society to curb corruption in India, in between 2005 to 2011 mainly focussed on corruption issue in India. The researcher mainly focussed to analyze civil society and its role to curb corruption. The study relies mainly upon secondary data. The secondary data joins basic sources, other than existing works, reports and documents journals appropriated by the civil society and its role in curb corruption in India.

3.3 Statement of the Study:

There is problem of corruption in India. The statement of the study is to find out the problem of corruption in India and civil society role in curb corruption.

3.4 The purpose of the Study:

The purpose of the study is to find out the reasons for problem of corruption in India and the civil society role in curb corruption between 2005 to 2011. And also the researcher would

like to find out or the research purpose is to the problems of corruption and its remedies, to evaluate different kinds of corruption in India.

3.5 The significance of the study:

Defining corruption Elliot has written, corruption is a willful failure to perform a specified duty in order to receive some direct or indirect personal gain. Thus, in corruption, a person willfully regrets his specified duty in order to have under advantage.

One crucial ingredient of both the successes and the failures of Indian democracy has been civil society. Considered as the return of association between the household and the state, including professional organizations as well as other formal and informal non-profit associations. Through its many functions, civil society can create pressure for policy reform and improved governance, as well as explicitly monitor the state's actions for fighting corruption and abuse. In other words, the civil society addresses the will of the state to operate in an accountable, transparent and responsive manner. The task of ensuring sustained political commitment, administrative accountability and procedural simplification can be achieved more quickly if vigilant and active civil society organizations, as the stakeholders and the ultimate affected party of corruption, take up the responsibility of interacting with the government organizations.

3.6 Objectives:

The main objectives of this research are:

1. To study the nature and causes of corruption.
2. To study the problems of corruption and its remedies.
3. To study the different kinds of corruption in India.
4. To study the nature and functions of civil society in India.
5. To know the participation of civil society in curbing corruption.
6. To explore how RTI act help in controlling corruption.
7. To study the Anti-corruption movement in India.

3.7 Hypothesis:

This study was based on the following hypothesis:

1. Civil Society movements strengthen democracy.

2. Corruption undermines the legitimacy of democracy.
3. Right to information is the tool to control corruption in India.

3.8 Research Questions:

1. Is Right to Information a tool to curb corruption in India?
2. Is there any commitment of people to control corruption?
3. Is there any evidence that RTI laws help to reduce corruption?

3.9 Variables of the Study:

A variable is defined as anything that has the amount or best that varies. The dependent variable is the variable a researcher mainly focuses. An independent variable is a variable believed to affect the dependent variable. Confounding variables are described as interference because of every other variable. In the present research dependent, variables are civil society. And independent variables are different types of corruption in India.

3.10 Source of Data:

The most basic data for the relative study is secondary information. For this study, the researcher used Hindi and English books, newspapers, media and reports of various commissions on reservation approaches are the key wellsprings of secondary data. Moreover, the researcher has relied on the information of various libraries to look for related data with the objective of study.

The information required for this study is gathered and analyzed by qualitative research methodology. Alongside this information survey, interviews, and field notes which managed by the researcher is included.

Data in regards to the study of civil society and its role in curbing corruption in India is not available on the grounds that such sort of information or organization which can keep up overall data of various corruption is not found in India. There is no component which can keep up data with respect to the financial status of corruption in India. So to get more information related to curbing corruption in financial, social, political there are different sources, for example, books, commission reports, government reports, and media clippings/cuttings etc.

The real facts about the curbing corruption and civil society in India reports and census has not up to mark. And the real facts need to bring through special commissions in various parts of India. After gathering secondary data the researcher has visited various places for interviews and had various perceptions as case study to confirm the circumstance, the researcher has chosen a portion of the cases which were illustrative of the specific local representative. This has empowered the researcher.

3.11 Limitations of the study:

The role of civil society to curb corruption in India on the period between 2005 and 2011 is a vast study. There are so many policies which government is implementing for the development of its citizens but in practice it is facing corruption in many forms, it makes this study to have some limitations to the study are stated as follows:

- a) The study is limited to civil society and its role on eradicating corruption.
- b) The study is limited to corruption in India.
- c) The study is limited to a period between 2005 to 2011
- d) The data considered for this study of CPI has certain limitations such as the year to year methodology has been different but as the name stands "Perception" itself means that which is perceived by the population of a country at large, which in turn influences political outcomes.

3.12 Sampling design:

The section of this study describes sampling method. The study of the role of civil society to curb corruption in India on the period between 2005 to 2011 are an endless study zone, yet the researcher limited to particular period. A qualitative method permits the researcher, gathering information about corruption and civil society role to eradicate the corruption. The researcher has taken the case study approach to enhance the present study. As the study is focused on India it was inevitable to distribute the geographical map into four zones. They are north, south, east and west. For the study period of this research there were around forty seven scams in total. Of these

each zone was covered by taking two scams from them under the consideration of purposive sampling. A scientific method has been applied for the interpretation of the studied data.

3.13 The period of study and the area selected:

Basically, the study of the role of civil society to curb corruption in India is limited to the period between 2005 to 2011.

3.14 Data analysis and interpretation:

Since the present study is using the qualitative method the researcher used secondary data to analyse. The data analysis is very important for drawing conclusions or testing the hypothesis. The important conclusions are made in view of the recorded related corruption. After the interpretation of the information to wrap things up, conclusions and recommendations made along with scope of the further study.

3.15 Conceptual Background:

In the political science subject, the well-known chapter is Karl Marx who is talking about workers labour and their hard work stolen by the elite groups in the form of benefits. It is related to corruption and its effects on labours. The present study is related to Karl Marx theory of class war. In reality the benefits of the company needs to share by the both workers and owners. In this present research the corruption in India has become more dangerous for country. The writers like J.S.Mill, and Jermy Bentham talks about happier to the more people and minority priority which the present research also deals with same objective. Further John Rawl's distributive justices also related to present research topic.

3.16 Chapter Scheme:

Chapter scheme clarifies briefly what work is done in each chapter. The present study has eight chapters which deal with the role of civil society to curb corruption in India on the period

between 2005 to 2011 reservation. The limitation of the study makes particular because of the broadness of corruption in India. So the study limited to particular period and only civil society role. Each chapter work described as follows:

3.16.1 Chapter one: Introduction

In the first chapter the researcher described the introduction of the present study. The researcher's way of introducing topic is really thoughtful. Introduction, Civil Society, four levels of Civil Society, Civil Society and Right to Information, Forms of corruption, Political Corruption, Indian Democracy, Indian Bureaucracy (corruption in a democracy), Corruption in Ancient India, Corruption in today's scenario, Indian steps to curb corruption, Civil Society in India, and Conclusion were made in last part.

3.16.2 Chapter two: Review of literature

The second chapter deals with the review of the literature. In this chapter the researcher reviewed sufficient work which is related to present study. Information related to research gathered from books, unpublished papers, magazines, articles, newspapers. In the last part of this chapter is important as it described how present study is different than the other study. Science it is first attempt to find out the role of civil society in eradicating corruption in India it show the need of this research work and in this context it is contemporary relevance.

3.16.3 Chapter three: Research methodology

The third chapter contains research methodology. In this chapter, the researcher explained limitations of the study. Basically, the research supposed to deal with corruption, but in this chapter researcher fixed the limits to the period. This chapter also dealt with research procedure like introduction, statement of the study, purpose of the study, scope of the study, significance of the study, research questions, objectives, hypothesis, variables of the study, source of data, limitations of the study, limitations of the study, sampling design, the period of study and the area selected, data analysis and interpretation, and conclusion In this chapter methods of data collection, selection of respondents, and analysis of data. End of this chapter his plan of chapter scheme is very transparency.

3.16.4 Chapter four: Discourse Analysis

The fourth chapter is related to the civil society and its role, right to information act and its effects to control corruption. It also contains philosophy behind civil society and corruption. This chapter focused on the conceptual background of corruption in India.

3.16.5 Chapter Five: Data Analysis

In the fifth chapter the role of civil society and different types of movements on anti-corruption were mentioned clearly.

3.16.6 Chapter six: Conclusion

In the last chapter conclusion suggestion and notes for further study were mentioned along with findings.

3.17 Summary:

In this chapter the researcher used comparative research methodology. Secondary data is the major source for this study. If the government of India adopted recommendations of the researcher, the corruption of India will be definitely eradicated up to some extent. The researcher has given limitation for expressing boundaries of this study. In the last part of this section, the researcher has given a clear view on chapter scheme.

4. Discourse Analysis

4.1 Introduction:

4.2 The early history of the concept

4.3 Modern concept of civil society

4.4 The return of the civil society debate

4.5 The contemporary critique of the civil society theory

4.6 Civil society in the Third World

4.7 Civil Society in India

4.8 Social Movements in India

4.9 Trends of Social Movements in India

4.10 Anti-Corruption Movement in India

4.11 Anna Hazare's Life and History : A critical push to the Movement

4.12 The Grassroots RTI Movement: (Rajasthan)

4.13 Other Civil Society Groups:

4.14 The National RTI Coalition:

4.15 Movement for Right to Information:

4.16 History of Right to Information:

4.17 RTI and good governance:

4.18 RTI: A tool to tackle Corruption:

4.19 Conclusion:

4.1 Introduction:

Corruption is a global phenomenon. It is found almost in every society in one or the other form since time immemorial. In ancient times, the judges received bribes in Egyptian, Babylonian and Hebrew societies. In France, judicial fifteenth century. England was described a 'sink-hole' of corruption in the seventeenth and the eighteenth centuries. In the nineteenth century also, corruption was so rampant in British that Gibbon described it as the most infallible symptom of constitutional liberty. In India, Kautilya has referred in his Arthashastra¹.

The idea of Lokpal was derived from the institution of Ombudsman already in place in different countries of the world. Historically, the origin Ombudsman can be traced back to the setting up this institution in the 18th century in Sweden by the King Charles XII. The Ombudsman established by the king was primarily to ensure correct conduct of royal officials. The institution evolved further during 19th century when it was incorporated in the Swedish constitution and its duties were formally defined.

The institution of Ombudsman caught up and developed more fully during the 20th Century particularly in the wake of Second World War. Interestingly, this coincided with the adoption of specific anti-corruption legislation in India aftermath of the Second World War. It was in this period that about a hundred countries across the world established their version of Ombudsman with varying duties and responsibilities depending upon their historical, political and social background².

Originating from Sweden, the first Ombudsman institution outside Sweden was established in Finland when it became independence of Russia in 1918. The other Nordic countries like Norway and Denmark followed suit and set up their own institutions of Ombudsman. It soon spread to all European countries and subsequently to the whole world. In U.K., it is formally referred as the Parliamentary Commission, that is, the United Kingdom Parliamentary Commission for Administration.

In fact, New Zealand was the fourth country after Sweden, Finland and Denmark to establish the office of ombudsman in 1962. To start with, the New Zealand Ombudsman's jurisdiction was limited to investigating complaints about

¹ Debroy and Bhandari (2011). "Corruption in India". The World Finance Review.

² "Lokpal Bill gets President's nod - The Times of India". The Times Of India.

Central Government departments and organizations. But in 1975, the Ombudsman's jurisdiction was extended to include local government agencies also³.

In Britain, the office of Parliamentary Commissioner for Administration was created in 167 covering the affairs of the central government departments. As the name indicates, the British Ombudsman is a parliamentary institution attached to the British Parliamentary and usually investigates complaints referred to it by members of parliament.

Although the functions and jurisdictions of Ombudsman vary from country to country, the institution in some form and the other has come to be established in most parts of the world. In 1995 the European Union created the post of an European Ombudsman. The institution has become global. As of now, around 140 countries of the world have ombudsman type of institutions in place as a correctional mechanism in their system of governance. The general ombudsman covers all spheres of governmental activities, but there is also a specialized type ombudsman that deals with only specific area of governance like the British health service ombudsman.

The common denominator of ombudsman in most countries is its function as a grievance redressal institution. As such, it looks into citizen's complaints about actions and decisions of government departments and agencies with varying degrees of power of enforcement of its findings. It provides a check on governmental activities in the interest of the citizen and oversees the investigation of complaints of improper government activity against the citizens. In many countries, the jurisdiction of ombudsman extends beyond dealing with alleged mal-administration to promoting and protecting human rights. In such cases, the ombudsman is recognized as the human rights institution⁴.

It is evident from the above that corruption as such has not been the main focus of attention of ombudsman in most countries, unless, of course, corruption is taken in its wider meaning of moral degeneration, decomposition or malfunctioning in general. In its restricted meaning corrupt practice like bribery, corruption was not much of a problem in the Scandinavian countries where the institution of ombudsman

³ "Indian Scientists Claim Lab Corruption". Science now, 23 January 1998.

⁴ "India aid programme 'beset by corruption' – World Bank". BBC News. 18 May 2011.

originated. Large scale governmental corruption-administrative and political as in the case of India, has neither been a major issue in the other western countries where the institution of ombudsman came to be established. In this connection, it may be remembered that in Transparency International's corruption perceptions index, India was ranked 87th out of 178 countries in 2010⁵.

Civil society is composed of the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state (regardless of that state's political system) and commercial institutions of the market.

There are myriad definitions of *civil society* in the post-modern sense. The London School of Economics Centre for civil society's working definition is illustrative : "Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade union, self-help groups, social movements, business associations, coalitions and advocacy groups."

Civil society is the "aggregate of non-governmental organizations and institutions that manifest interests and will of citizens." Civil society includes the family and the private sphere, referred to as the "third sector" of society, distinct from government and business. Dictionary.com's 21st Century Lexicon defines civil society as 1) the aggregate of non-governmental organizations and institutions that manifest interests and will of citizens or 2) individuals and organizations in a society which are independent of the government.

Thus, civil society is an expression of the basic human desire to socialize with others through voluntary organization. It manifests itself in an almost infinite variety

⁵ "Govt To Reveal Stand on Black Money on 25 Jan | India news, Latest news India, Breaking news India, Current headlines India, News from India on Business, Sports, Politics, Bollywood and World News online". Currentnewsindia.com. 25 January 2011. Archived from the original on 30 April 2011. Retrieved 7 October 2011.

of voluntary and non-profit seeking groups from sports club to human rights watchdogs to political parties. Therefore civil society is characterized by active participation in public affairs, reciprocal and practices characterized by thriving local associations. It may be noted here that civil society is quite fragmented and it may represent various interests. But a strong civil society helps to ensure that no one is left without a voice at the decision-making table because of lack of resources.

Sometimes the term civil society is used in the more general sense of "the elements such as freedom of speech, an independent judiciary, etc, that make up a democratic society" (Collins English Dictionary). Especially in the discussions among thinkers of Eastern and Central Europe, civil society is seen also as a concept of civic values. One widely known representative of this concept is the Polish former dissident Adam Michnik⁶.

Volunteering is often considered a defining characteristic of the organizations that constitute civil society, which in turn are often called "NGOs", "NPOs", or CSOs. Most authorities have in mind the realm of public participation in voluntary associations, trade unions and the like, but it is not necessary to belong to all of these to be a part of civil society.

4.2 The early history of the concept

The concept "civil society" may be recently re-awakened within the social sciences, but it goes all the way back to Aristotle, however with a very different definition of the term.¹ While the contemporary debate is to a large extent concerned with the division between state and civil society, early social theories regarded the existence of a powerful state to be a necessary pre-condition for all forms of social life, also civil society.

Contract theorists such as Thomas Hobbes and John Locke differed in their opinions on both state and civil society, but agreed that a functioning civil society would be impossible without protection from the state. In the mid-18th century this conception started to change as political thinkers in France, Britain and Germany warned against an all-embracing state, especially in its despotic form. The reality that both common men and political theorists had to deal with at the time was very

⁶ "How Much do Distortions Affect Growth" (PDF). World Bank

different from the present debate on both state and civil society, and realism compelled thinkers such as Hobbes and Locke to accept the necessity of a powerful state. As economic life developed, religious freedom expanded and new political ideas gradually gained acceptance, the perception of the state changed. The despotic character of the various European states led to both popular resistance and a development within political theory. While popular resistance peaked with the French revolution, the theoretical reevaluation of the state continued and resulted in a very sharp critique, defining the nature of the state as potentially totalitarian. Drawing on the popular resistance against the absolutist French state, Thomas Paine developed a political theory in which the state was in some aspects presented as the anti-pole of civil society. According to Paine, the individual citizens exercise their political rights within the civil society, a sphere that was in the need for protection, not against a possible return to the state of nature, but against an oppressive state. Paine warned against the despotism of the state and stressed that both the individual citizens and the people as a collective unit would benefit immensely from a state which keeps its influence over civil society to a minimum⁷.

The target of Thomas Paine was the oppressive state but also those who did not share his optimistic view of civil society. Partly as a reaction to the French revolution a number of political thinkers warned against the dangers of a too powerful civil society, the conservative Edmund Burke being a case in point. Another response came from German scholars who recognized the dangers of violent popular uprisings and emphasized the historical importance of a universal state. Friedrich Hegel has become the prime representative of this "statist" stream within the civil society debate and his writings are dominated by strong reservations against the idea of a clear demarcation between state and civil society.

Hegel defines civil society as a sphere situated between the family and the state, inhabited by individuals and associations, but which does not necessarily contribute to the general development of society. His definition of this sphere is very different from that of Paine, and later Toqueville, on two important accounts- first, the interaction in civil society is seen as more of a contest or battle of interest than peaceful cooperation between equals; second, state supervision is necessary for the survival of civil society. These two accounts are related, as Hegel regards civil society

⁷ "Indian rural welfare – Digging holes". The Economist. 5 November 2011

as an arena where individual interests meet and where the purpose of these meetings is often the advancement of individual interest, which renders the outcome of the process uncertain. While some individual interests may be forwarded, others will be blocked and the activities within civil society may result in a general unrest. Therefore, it is according to Hegel, necessary for the state to supervise and control the civil society.³ The positive effects of a civil society is recognized by Hegel as a meeting place of particularistic and universal values, but the clear distinction between civil society and state proposed by more radical thinkers is rejected⁸.

This more cautious attitude towards the benefits of a civil society remains as a stream within the civil society literature, and the observations by Hegel regarding the important role of the state, also for the development of a civil society are echoed in the debate today. However, the radical ideas of Thomas Paine, including the notion of civil society as two separate spheres, became the main stream and were developed further, perhaps most eloquently by Alexis de Tocqueville, in his classical work *De la democratie en Amerique*. Tocqueville emphasised that the despotic tendencies of the state may arise also in a democratic society and cautioned against the despotic tendencies of the state and their negative effects on individual political rights, but also against a too dominant position of the state within the economic sphere. Discussing the foundation and prospects of the federal state in North America, and the various problems that may trouble a democracy, Tocqueville argued for democratic rule as a historic necessity with both advantages and risks.

The federal legislation of the USA was according to Tocqueville superior to that of the failing monarchies and aristocracies of Europe, partly because it had been designed later, which enabled the framers of the new constitution to draw upon the experiences of other states, but also because it had included various checks and balances, which encouraged power sharing and prevented concentration of power to any single institution. Tocqueville is surprisingly modern in his analysis of the problems facing American democracy, and in his writings we see a very clear distinction between state and civil society. Although he stressed that the state in general works for the benefit of all citizens, Tocqueville also claimed that it constitutes a threat towards both individuals and civil society, and that the democratic state may be extra dangerous as it has both the urge and capacity to control all spheres

⁸ "Karnataka Lokayukta". National Informatics Centre. Retrieved 24 June 2010.

of social life. His proposed solution to this problem was to create a constitution that controls the possible excesses of the state, and also to develop a strong civil society which can withstand the pressures from the state and contribute to the development and strengthening of democracy. For most liberal thinkers the theories of Tocqueville have remained valid. His strong emphasis on the importance of an independent civil society and the dangers of an all-encompassing state are integral parts of most modern liberal and pluralist theories on democracy, and has had a huge influence on the civil society debate that re-emerged in the 1980s⁹.

4.3 Modern concept of civil society

While the ideas of Tocqueville re-entered the present debate more or less unchanged, another stream of civil society theory, inspired by Hegel, developed throughout the 19th and early 20th century. Building on Hegel's critical view of civil society as the source of both individual freedom and social stability, Karl Marx completed a theory that recognized civil society as a societal sphere which included all economic and other material relations between individuals and groups. In doing so Marx ascribed a vital role to civil society in the historical development of mankind, and argued that it transcended both the state and the nation. However, Marx denied the existence of civil society as an independent sphere, but saw its origin in the class relations and in the political economy.

He saw civil society not primarily as an arena for voluntary meetings between groups and individuals, but for exploitation, and due to its inherent inequality, based on various roles within the capitalist system, it could, according to Marx, never develop into a sphere that strengthened the social fabric. While other thinkers saw civil society as a place of refuge from the exploitive relations of the family and the economy, Marx saw it largely as a mirror of these exploitations, and unlike Hegel he did not see the state as the remedy for the inequalities and possible unrest in the civil society. The state is according to Marx not universal, as it is influenced by the

⁹ "Mulayam Hits Mafia Hard". India Today. 16 October 2006. Retrieved 30 October 2008. Snippet: ... The road sector has always been the main source of income for the mafia. They either ask their men directly to grab the contracts or allow an outsider to take the contract after accepting a hefty commission

capitalist power structure and would therefore reinforce rather than resolve conflicts within civil society. While denying the positive role of civil society suggested by Tocqueville and others, Marx nevertheless saw civil society as a part of social and political changes. This change would however not come about through interaction within civil society, but through a revolutionary change within both the political and the economic sphere.

In the 20th century the civil society debate continued, primarily within sociology with contributions from scholars such as Talcott Parsons, Hannah Arendt and Jürgen Habermas. For those primarily interested in the political aspects of the concept, and its relation to democratization, the most important contribution came from Antonio Gramsci. Inspired by Hegel and Marx, Gramsci claimed civil society to be the prime arena for social and political struggle. Compared to Marx, Gramsci differed on two major accounts regarding the role of civil society: first, he saw civil society as a part of the superstructure of society, not the base, secondly, he denied the deterministic, and in his view simplistic, interpretation of the relation between base and superstructure. Gramsci argued for a more open relationship between base and superstructure where issues of politics were decided after an ideological and political contest, not only by the power relations in the base. Civil society is consequently transformed from a sphere controlled by the ruling classes to an arena open for political contest and mobilisation¹⁰.

4.4 The return of the civil society debate

The concept of “civil society” is now considered to be an integral part of liberal political theory, but for a long time the concept was more or less forgotten. Prominent liberal thinkers such as Karl Popper, Friedrich Hayek and Isaiah Berlin discussed the issues of democracy and human rights from a liberal point of view, but without emphasizing the role of civil society. On the political left the Habermasian concept “public sphere” shares some similarities with “civil society”, but it was not defined as a sphere autonomous from the state. With hindsight it is also remarkable that when the concept regained its place within social theory it was not because of the

¹⁰ 2011 was the year of the activist, Khandelwal, Brij : Vol. 66 No. 22 July 3, 2011, Janata.

proposed link between a strong civil society and the consolidation of democracy, but rather because of the role an independent civil society could play in the dismantling of an authoritarian regime. The experiences of the opposition movement in Eastern Europe in the early 1980s showed that civil society could be used as an arena in the democratic struggle, and that a space open for voices not controlled by the state was vital for any serious resistance. The concept was later adopted also in studies of stable liberal democracies, and the debate on its role in the popular struggle for democratisation in the third world witnessed a significant growth in the 1990s. In the modern era, the starting point for a definition of civil society would be: a realm or arena situated outside the private sphere, but also outside the immediate reach of the state. Gordon White defines civil society after excluding the private sphere of the family, and describes the participants in this civil society as associations which "...are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests and values¹¹."

In the recent debate on civil society the concept has been associated with a liberal definition of democracy within Western political philosophy, based on a distinction between civil society and state. Civil society is often seen as the key to a successful democratisation, as open, pluralist and internally democratic groups organise the citizens as a counter weight to the state. Within this tradition civil society is seen as one of the main pillars of modern political life, and although the idea of civil society as the heart of democracy may not be fully compatible with the generally strong emphasis on individual rights in liberal thought, both its proponents and critics tend to accept that civil society theory is an integral part of a liberal political theory. There is a supposed link between individual freedom and associational life, with civil society as a sphere in which the individual can break free from various constraints and change oppressive social structures.

Drawing on its supposed autonomy from the state, civil society promotes democracy by constituting an arena in which individual citizens as well as various groups and associations can meet and express themselves. According to the proponents of the theory it is within this arena that the values and implicit laws of a

¹¹ Anant and Mitra (November 1998). "The Role of Law and Legal Institutions in Asian Economic Development: The Case of India" (PDF). Harvard University.

democratic society are developed and maintained, and they follow the arguments developed by Tocqueville in his study of American democracy: a strong civil society is necessary in order to counter the state's ambition to dominate, and in order to strengthen the feeling of civic solidarity amongst the citizens. In his very influential article "Toward Democratic Consolidation" from 1994, Larry Diamond argues that civil society is conducive for democracy as it allegedly opens up a space for interaction between citizens and associations, interactions that helps to create a feeling of "civicness", including the respect for democracy, which cuts across various cleavages in society. A strong civil society further increases the possibility of political participation of the citizens, as it provides an alternative channel for interest articulation, outside of the political parties. In liberal theory, a civil society works as a counterweight against the state, and can, according to Diamond, play a positive role in the struggle against authoritarian regimes, and is absolutely crucial for the consolidation of democracy. Civil society theories have worked its way also into the thinking of the World Bank and the International Monetary Fund (IMF). Departing from a neo-liberal perspective, the World Bank changed in the 1990s, and increasingly emphasized the role of both the state and civil society. The states in the third world were encouraged to increase their institutional capabilities in order to support economic development, and a well functioning civil society was presented as an important help both in reforming and supporting the state, and as a facilitator for a growing market economy¹².

A key concept in the recent policies developed by the World Bank is "good governance", which defines how a state should best be organised and governed in order to achieve economic growth. The World Bank's idea of "good governance" to a large extent influences the conditions set for development loans extended to countries in the third world, and therefore possibly the whole process of economic development and democratisation. In the thinking of the World Bank civil society plays an important role also in the implementation of "good governance", working as a counterbalance against the state, but also in fostering attitudes conducive for both

¹² Bertrand, Marianne et al. Obtaining a Driver's License in India: An Experimental Approach to Studying Corruption, *The Quarterly Journal of Economics* (Nov 2007, No. 122,4)

democracy and economic growth. Given the position of the World Bank and the IMF, the ideals of “good governance” are likely to influence the global development agenda for the foreseeable future, thereby also guaranteeing the continued importance of the concept “civil society”.

4.5 The contemporary critique of the civil society theory

Far from all welcomed the re-introduction of the concept within social and political theory. A major critique has been directed against the use of the concept by Marxists, post-Marxists and others who reject the liberal definition of politics and of civil society. One argument put forward by these adversaries is that civil society cannot be seen as a separate sphere, as it is dominated by power relations in other existing spheres, such as the economy and the family. For Marxists and feminists the unequal relations between workers and capitalists, as well as between women and men, are mirrored also in civil society, which makes this sphere less relevant for explaining the consolidation of democracy. Many scholars and activists also claim that the concept “civil society” - and the democratisation theory connected to it – is ideologically loaded and part of a neo-liberal agenda¹³.

The importance of civil society has been emphasised in the recent programmes established by the World Bank and the International Monetary Fund (IMF), not so much for its role in the democratisation process, but for its ability to off-load the state. According to neo-liberal theory, much of the work which has previously been carried out by the state can be better managed by civil society or the market forces. Examples of such work are various engagements within social services, health and education. In this perspective, the argument for a strong civil society results in the dismantling of the state and its ambitions in promoting equality and social welfare. Further critique has been delivered against the state – civil society dichotomy, for being too simplistic and in many empirical cases proven to be wrong. While recognising the need for an independent sphere, developments within the state have often contributed to the consolidation of democracy. Already in the writings of Hobbes and Locke the rule of law is presented as a necessity for any civil life: the state guarantees law and order

¹³ Bhaduri, Sumit (8 January 2013). "Indian science must break free from the present bureaucratic culture to come up with big innovative ideas". Times of India.

and therefore contributes to the development of a civil society. To some extent this also compromises the supposed autonomy of civil society, as the state sets the parameters for how civil society can function, which strongly discourages revolutionary tendencies.

Also the efficiency and scope of the state may have an influence since its undertakings within areas such as education and welfare – if successful – enhances the possibility of a functioning civil society. Higher levels of literacy and better health surely improve the ability and motivation to participate in associational life. Direct support from the state to various organisations can also develop civil society. Women’s organisations and other NGOs can benefit from financial support from the government, strengthening their power and increasing the awareness of their member, while also contributing with work that off-loads the state. However, according to liberal civil society theory this reduces the ability for longterm consolidation of democracy since the autonomy of NGO’s compromised. Here lies a dilemma: if you follow a strict definition of both “NGO” and “civil society” many groups which have a large degree of popular support and which have a good impact on democratization will be defined as being outside of civil society¹⁴.

A further debate concerns the type of organisations that qualifies for membership in civil society. Should these associations be internally democratic in order to qualify? Should we allow also associations which exclude members on the basis of gender, ethnicity, race etc? Some groups have a quite narrow agenda, e.g. trade unions working for better wages for their members. Should these groups be included despite that they do not explicitly work for the common good? The liberal definition favours associations which are internally democratic, open to all citizens, and that has goals and activities which are in line with the core values of liberal democracy. Groups which mobilise in a cross-cutting manner, bridging ethnic, religious and class-based cleavages are therefore seen as more valuable and contribute more to the strengthening of civil society. A parallel definition is found in the debate on social capital, where the crosscutting “bridging” social capital is defined as more conducive for democracy than the “bonding” social capital which is often found in closed or semi-closed organizations. The problem with this argument is that if you

¹⁴ Ginsborg, Paul. *Italy and Its Discontents: Family, Civil Society, State* (2003)

apply a strict definition including internal democracy and a propensity for bridging social cleavages you also run the risk of excluding many of the most important associations of civil society. These associations may not live up to the liberal definition, but may nevertheless be crucial for mobilising the citizens and as a counter weight to an oppressive state. In the case of the third world this is especially important since the fight against perceived injustices is often fought on the basis of race or ethnicity.

The definition of civil society in this paper is more open than the established liberal version and defines civil society as a public arena outside the immediate control of the state and which includes links between individual citizens as well as formal and informal associations of citizens. The notion of civil society as being by definition favourable to democracy is rejected and left to empirical investigation, and it is accepted that also groups which lack openness, internal democracy and pluralism may be considered to be part of civil society, including associations formed on the basis of primordial identities, such as religion, caste and ethnicity. Furthermore, the fact that many political demands put within civil society are not directed against the state must be recognised. As the political power lies with the state, various associations will put pressure on the state, but their demands often challenge other sections of civil society. For example the demands for group rights, based on religion, ethnicity, language or gender, may clash with the interest of other groups, turning civil society into a battle field rather than a secluded sphere of peaceful interaction. This is further complicated when the state takes sides in these battles, as is often the case in any third world states, and when this is not done through the proper constitutional process, but rather as an attempt from the state to ally itself with specific sections of civil society¹⁵.

An alternative to the liberal definition emerges in which the power structures and the forms of domination within civil society are identified, while the importance of the interaction within civil society is simultaneously recognized. In a third world context we have cases where successful challenges against authoritarian regimes and oppressive social structures have developed within civil society, but where the

¹⁵ N Vittal, *Corruption in India: The Roadblock to National Prosperity*, Academic Foundation Publication, New Delhi, Pg. 1-4.

deciding factor in these successes have not always been the level of autonomy from the state. The various actors of civil society may strengthen their positions through cooperation with the state or through distancing themselves from it, all depending on their strategies and calculations. While discarding any simple links between civil society and democracy, we should treat the civil society theory as an important part of the complex puzzle of democratisation and open up for empirical studies of how this sphere has contributed.

4.6 Civil society in the Third World

The applicability of the concept “civil society” in a third world context has been heavily criticized as arguments against the universal applicability of a concept developed within western political philosophy have been raised. Is not the very idea of a civil society, and also its proposed role in the development and consolidation of democracy, confined to a unique Western European (and possibly North American) experience? In order to answer this question we need to understand the respective developments of the state in both the west and in the third world. The modern state was in the west paradoxically developed simultaneous with a civil society, a process covering centuries, which included a gradual shift towards a more powerful and efficient state, but also towards a stronger and more independent civil society. In the third world the power of the pre-colonial state was in most cases not absolute in the same sense as in the west, with influential religious and traditional power structures often outside the immediate reach of state power¹⁶.

Every third world society and every democracy has its own special construction of state – civil society relations, and almost all states have had a colonial history that influenced these relations. While differing from country to country the colonial period meant a serious break with traditional political organisation, and although such breaks are not necessarily negative for the development of democracy the close relation between the economic sphere and the state proved fatal for the development of both political democracy and civil society. Olle Tornquist has described how a symbiotic relation between politics and economy developed, where

¹⁶ Michael Davis, *The Politics of Philosophy: A Commentary on Aristotle's Politics*, Rowman & Littlefield 1996 pp. 15–32

the state dominated the economic sphere and where economic success came through political power rather than skilful use of labour and capital. The domination of the colonial powers stopped the growth of a domestic capital owning middle class necessary to challenge both the state and the feudal order, and capitalism was instead introduced by external forces and controlled by an alliance between the colonial state and the ruling feudal classes¹⁷.

The middle classes outside the domination of the feudal system were very weak, as was the basis for a strong civil society. Although capitalism expanded in some areas the expected process of social and political modernization failed to show, largely because of the strong connection between the political and the economic sphere, and the feudal system was instead of being replaced, incorporated in the colonial capitalism. The symbiotic relation between politics and economy continued also in the post-colonial period. State-led modernisation plans became the order of the day, with a major role for the state within the economy and with continuously weak domestic capitalists. Also in this new setting the road to economic power ran through the political elite and through the state. The symbiosis of the political and economic spheres is one example of how state – civil society relations developed differently in the third world, which has consequences on how the civil society theory can be applied. The relatively slow and - at least partly – peaceful growth of civil society and the development of civil and political rights in Western Europe have little or no correspondence in post-colonial states.

4.7 Civil Society in India

Popular mobilisation within the Indian civil society was evident already in the colonial period but the formation of both state and civil society in India were different from that of Western Europe.¹⁸ While the modern state in the west developed simultaneous with civil society, a process covering centuries and included a gradual shift towards a more powerful and efficient state, but also towards a stronger and more independent civil society, the development of civil society in the rest of the world has not followed the same pattern. The powers of both the pre-colonial and the

¹⁷ Myrdal, Gunnar. Asian Drama: An Enquiry in the Poverty of Nations, The Australian Quarterly (Dec 1968, Vol. 40, 4)

colonial state were not absolute: the state co-existed with influential religious and traditional power structures outside its immediate reach and the effects of these alternative power structures were evident also in the formation of the civil society. One example is the tendency of the British colonial state to respect religious differences and to divide the population according to faith. In the Indian case, this practice led to a strong position of the native religious elites, and the strengthening of religious identity in both the private sphere and in civil society¹⁸.

Numerous religious reform movements were formed throughout the 19th century, some of them with social and political issues on their agendas. While some were influenced by Christianity, others saw the spread of foreign religions as an affront to Hindu culture. The Brahmo Samaj, founded in 1843, worked for the reform of Hindu traditions and practices, as did the Ramakrishna Mission under Swami Vivekananda, and the Theosophical Society in Madras, led by Annie Besant. The Arya Samaj, formed later in the 19th century, had similar features as the other reform movements, e.g. the renunciation of idolatry and polytheism, as well as urging for a unification of all Hindus, but it differed through its aggressive nationalism. All these organizations emphasized Hindu unity, played an important role in the freedom movement, and strengthened Indian civil society.

The national resistance movement, spearheaded by the Indian National Congress (INC), became the main source of civil society activity in early 20th century British India. When the INC developed into a mass movement large segments of the population were for the first time drawn into political and social activism, and while the struggle was basically anticolonial, the movement held within itself many forms of activities which would continue as independent sections of civil society, one case in point being the women's movement. Partly outside of the INC also other forms of social movements gained in strength during the first half of the 20th century. The first labour disputes had occurred much earlier, in the mid-19th century, and although the formation of national trade unions came later, the increasing awareness of the Indian workers contributed to the development of a sphere outside of the immediate influence of both the state and the capital owners.

¹⁸ Nanda, Meera (2011). *The God Market: How Globalization is Making India More Hindu*. NYU Press. pp. xxii–xxiii. ISBN 9781583673096.

The All Indian Trade Union Congress (AITUC) was formed in 1920 and contributed importantly to the formation of a rudimentary civil society during the late colonial period. Various peasant uprisings, such as the Moplah revolt in 1921, occurred frequently and increasingly so after the First World War.²⁰ Both these rebellions and the struggle of the INC can be seen as a reaction against the colonial state and to the symbiotic relationship between the economic and the political spheres. Through taxation and trade legislation the British colonial state suffocated most possibilities for real development of the domestic economy and the strong relations between the repressive state and the economic sphere had consequences both for the anti-colonial struggle and for the development of post-independent India. While a national bourgeoisie developed and contributed to the freedom struggle, the political activists of the middle class were often tied to the state in their capacities as i.e. lawyers and teachers, and the indigenous capitalist class remained weak¹⁹.

Despite the dismantling of the colonial state, the pattern of a state dominated economy remained also after independence. For decades various forms of central planning was promoted, which did not focus on civil society, but rather on state action. After the successful anti-colonial struggle it took some time before civil society was restructured and able to adapt to the new regime. The demands on the state were of course different than from the colonial period, but both workers and peasants soon took up their struggles. In the 1960s, as India was hit by drought, subsequent wars, and a related food crisis, both urban and rural groups started to protest. While the protests addressed material needs they soon became attached to several larger ideological movements, both Gandhian and revolutionary Marxist, which challenged the Indira Gandhi-led government. The threat became so potent that Prime Minister Gandhi in June 1975 declared the country to be in a state of emergency, which remained until the elections in 1977. While the Emergency meant a breach with the Indian democratic practice, and a severe curtailment of civil and political rights, it also had a vitalizing effect on civil society which after 1977 witnessed an increase of activities within traditional social movements such as peasants, workers and students, but also amongst the so called “new social

¹⁹ Nishikant, Anna’s Political Alternative : Hopes and Apprehensions : Sep. 9, 2012. Vol. 69 No. 33 Janata. ND

movements”, including environmental groups and women’s organisations. 21 Mobilising new political identities, these groups challenged the state on local, regional and national level, as these NGOs were often based in strong grass root networks. While the emphasis on environmentalism and gender issues was a global phenomenon of this period the experiences from the Emergency also contributed. First, the oppression of the state provoked social and political forces to organize against the oppression; secondly, the image of a democratic and progressive state was seriously dented. As a consequence, new groups understood the necessity to actively claim their rights and to fight against perceived injustices²⁰.

State developmentalism as a project was questioned, and from the 1980s and onward also the Indian state itself have encouraged NGOs to take more responsibility for social development. The numbers of NGOs in India are growing all the time, but one estimate puts the figure to over 30.000.²² A general international trend towards more of individual and private initiatives and less of government planning is of course also behind this expansion. The neo-liberal reforms of the IMF and the World Bank which have had such drastic global consequences in the Third World have affected also India where the partial withdrawal of the state has resulted in a more active civil society. Due to their preference to work with NGOs, the presence of international aid organizations have contributed further to this development.

It is apparent that the partial failure of the state to address social and economic needs has had effects on the levels of development, but also on the quality and character of civil society. In some sense this failure has spurred groups and individuals to engage in civil society, but the inability to provide basic education and other forms of social services has seriously hampered the development of civil society, with low levels of literacy being a case in point. As a consequence the Indian state, and various aid agencies, has utilized the competence and infrastructure of civil society in order to encourage social development. NGOs such as women’s organizations have been incorporated in the governmental development plans. This of course compromises the independence of these NGOs and strictly speaking they do not qualify as NGOs or after accepting governmental support. But this form of

²⁰ O’Connell, Brian. *Civil Society: The Underpinnings of American Democracy*. Medford, Mass: Tufts University Press, 1999. ISBN 0-87451-924-1.

cooptation, as well as the general trend of state withdrawal, also has important consequences for future plans of social development. While the state is increasingly seen as inefficient and corrupt, the NGOs are defined as committed and accountable. Leaving the negative description of the state aside, the positive image of civil society rests more on an ideological and theoretical definition rather than an accurate appraisal of civil society in India today. Due to the inherent social, religious, ethnic and economic cleavages of Indian society, the civil society is permeated by inequality and various forms of conflict, as noted in the current Indian debate²¹.

The expectations of efficiency, commitment and accountability of civil society should be seen in this light also, as various forms of inequality are likely to influence civil society. A more realistic view would be to define Indian civil society as a public arena in which various interests meet and compete, battling against the state, but also against other groups within civil society. This arena would be affected also by the power relations in society at large, reproducing various cleavages and inequalities.

Corruption and injustice are both ethically loaded terms. Injustice frames the wrong in a wider canvas, calling deeper ethical concerns. Corruption restricts its framework to the legal. There can be unjust laws, but not corrupt laws. Discourses on injustice often call for changes in social structures which make injustice possible, and inevitable. Their image of a just society is often utopian. Anti-corruption discourses on the other hand, move along the safety of a legal scaffolding, their aim is to establish a legal status quo, against a reality vitiated by corruption. In an unjust and corrupt society struggles against corruption and injustice are both liberatory. The point however is that classes with larger stake in the existing social system are more likely to seek change and mobilisation through anti-corruption discourses, than those on injustice. Corruption is a matter of social power, when those holding office use the authority which comes with the office for personal gain against the law. What makes corruption ubiquitous like now in India is not just the desire on the part of the corrupt to gain personally, but also the absence of a public morality, or rather presences of a public (a)morality which participates in corruption as a way of life. A comprehensive framing of corruption would include an understanding of the nature of power of

²¹ Perlas, Nicolas. *Shaping Globalization – Civil Society, Cultural Power and Three folding*. ISBN 0-9583885-8-X .

public office in a given society, including techniques of governance, which makes corruption possible, and a critical appraisal of public amorality which accepts it as permissible²².

Among those who understood civil society in India properly were Mahatma Gandhi, P.C. Joshi and S.A. Dange. They were among the rare theoreticians and practitioners in this field yet to be surpassed. They understood the Indian masses the civil society as none others, and thus were head and shoulders above all others. Nehru also belongs to this special category.

4.8 Social Movements in India

A Social movement is a deliberate collective endeavour to promote change in any direction and by any means, not excluding violence,

“Social movements are understood as organized collective efforts working towards achieving change. All social movements have an ideology to identify what is wrong with the present and what needs to be done in the future.”

One of the most recent social movements witnessed in India was the campaign on ‘India against corruption’, spearheaded by a group of social activities led by an octogenarian Gandhian principles, opted for fasting unto death and demanded the enactment of the long pending Jan Lokpal Bill (Anti-Corruption Law). The movement is considered to be a milestone in the constitutional history of India forcing the movement to accept civil society’s demand to have a drafting the stringent anti-corruption law, the Lokpal Bill²³.

Interestingly, the movement also successfully galvanized mass support and enticed the media took up the topic so much so that today corruption is highlighted as a major social issue in India, after remaining invisible for decades after Independence. One remarkable trend that it has exhibited is the shift in the nature of the social movements in India from being predominantly rural to now including urban citizens. The major combatants of the Anna campaign are educated and urbane. Hence, this

²² PTI (19 June 2012). "Andhra cash-for-bail scam: Suspended judge questioned". The Times of India.

²³ Pollock, Graham. "Civil Society Theory and Euro-Nationalism," *Studies In Social & Political Thought*, Issue 4, March 2001, pp. 31–56 online

movement as well as similar citizen's protests, with the educated and conscious youth at their centre demanding accountability and governance reforms has enough potential to make democracy more inclusive and participatory.

4.9 Trends of Social Movements in India

Social movements generally reflect a series of contentious performances, displays and campaigns by which ordinary people make collective claims as well as participate in public politics, says Charles Tilly. He argues that there are three major elements to a social movement: (a) Campaigns: a sustained, organized public effort making collective claims of target authorities; (b) Repertoire: employment of combinations from among the following forms of political actions: creating of special purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstration, petition drives, statements to and in public media and pamphleteering; (c) Worthiness, unity, numbers and commitment (WUNC) displays: participants' concerted public representation of worthiness, unity, numbers and commitments on the part of themselves and/or their constituencies²⁴.

Again, Ghanshyam Shah views social movements as "a deliberate collective endeavour to promote change in any direction and by any means, not excluding violence, illegality, revolution or withdrawal into 'utopian' community"²⁵.

Twentieth century India witnessed a large number of non-institutionalized collective actions in the form of protests, agitations, strikes, satyagraha, hartals, gheraos, riots etc. which strove for social and political and social change. Often it is seen, that these subtle acts of protest or agitation, mostly devoid of any organization or ideology for change, have in course of time generated immensely impactful social movements in India. Both in the pre and the post independence period (before and after 1947), India experience such movements which included peasant, tribal and dalit uprisings; the list also covers a whole range of women's students' and even middle class movements. Industrial working class movements also occupied considerable

²⁴ Pithouse, Richard (2005). "Report Back from the Third World Network Meeting Accra, 2005". ukzn.ac.za. Centre for Civil Society : 1-6.

²⁵ Roy and Narayan (2011). "India Corruption Study 2010" (PDF). CMS Transparency. Archived from the original (PDF) on 16 December 2011.

space. In the years before 1947, the British colonizers, who represented completely alien racial, religious and linguistic identities, were perceived as the principal enemy; hence, the only aim of all the anti-colonial movements was to transform colonial subject hood to citizenship of an independent nations. This resulted in the crystallization of many social movements on a very large scale.

In the early post independent India, land movements occupied considerable space and significance; one of the most popular movements that revolved around land in the early 1950s was the Bhoodan (land-gift) Movement initiated by Acharya Vinod Bhave, and ardent disciple M. K. Gandhi. "The movment was an attempt at land reform and it intended to solve the land problem in the country in a novel way by making land available to the most submerged and disadvantaged class of India society, the landless and the land poor and the equitable distribution of land by voluntary donations. The movement deriving its inspiration from Gandhian philosophy and techniques, created a sensation in Indian society for a few years by making mass appeal and giving rise to the hope of solving the age old land problem by producing miraculous results in the initial years of its launch. It was an intellectual movement based on the theory of trusteeship and it emphasized on the need of class cooperation in agrarian society²⁶."

4.10 Anti-Corruption Movement in India

The political leaders set by and large a high moral code of conduct and probity in the public life of India after independence. Corruption has, however, over the years grown in potency affecting the daily life of the people crucially. The Indian economy passed through the regime of all-embracing regulation and protection. There was corruption at the core of the Licence Raj, a system of bureaucratic control. While corruption stayed alive all along since 1960 or so, it assumed alarming proportions since the 1970s when one scandal regularly went after the other. The scams and scandals disclosed that among those who were indicted of corruption were high-profile legislators, Ministers and Governors. Since 1991, with economic liberalisation,

²⁶ Schoen, Douglas E. (2013). *The End of Authority: How a Loss of Legitimacy and Broken Trust Are Endangering Our Future*. Rowman & Littlefield. pp. 185–186. ISBN 9781442220324.

the much hyped higher growth rates failed to reduce the severity of poverty, hunger, malnutrition, social injustice and corruption²⁷.

Tired over the government's inaction against corruption and bringing the guilty to book, a movement has been launched under the leadership of the veteran social activist, Anna Hazare; this has garnered massive support all over the country. The government finally announced that a Bill will be brought in Parliament in the monsoon session of 2011 and agreed to discuss its terms with civil society leaders. A proposal for Jan Lokpal is pending in Parliament since 1968 but for want of political will it could not be enacted. The key features of a strong Lokpal Bill, proposed by the civil society, are as follows: it should be a multi-member body completely independent of the government and its members be selected by an independent panel; it will have its own independent investigating and prosecuting agency—all anti-corruption agencies such as the CVC, CBI, ACB will function under its wing and it will complete the enquiry in a time-bound manner.

There will be Special Courts for trial and punishment of persons found guilty and it will have the power to recover illegal money and assets amassed by guilty public servants. There should be a single Act which will constitute separate Lokpal and Lokayuktas at the Centre and in the States to deal with Central and State public servants and all public servants, including lower level functionaries, should be brought under its umbrella. An independent, empowered Lokpal/ Lokayukta, who can mete out swift and exemplary punishment to corrupt public servants, will be a major step forward to clean up the country's body politic. The draft Bill prepared by the National Advisory Council evokes criticism about, among other things, its very definition of communal violence²⁸.

²⁷ Section 3, Jan Lokpal Bill Version 1.8; www.annahazare.org., last accessed on April 21, 2011 at 23:38 IST.

²⁸ www.annahazare.org

Figure : 4.1



(Source: (<http://www.frontline.in/static/html/fl2813/stories/20110701281304500.htm>)

A house destroyed during communal riots at Bramhanigaon village in Kandhamal district, Orissa, A file photograph.

India has witnessed several widespread atrocities against minority communities throughout its history. The existing laws have been found to be grossly inadequate to prevent such violence and punish the guilty. As a result, a culture of impunity has taken root, manifesting itself from time to time during communal violence.

The 15 member National Advisory Council (NAC), set up as an interface with civil society, provides policy and legal inputs to the government with special focus on social policy and the rights of disadvantaged groups. It consists of distinguished professionals drawn from diverse walks of life, and its contribution to the preparation of draft Bills is significant. Therefore, when it constituted a five-member Working Group on the Draft Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, and formed a 24 member Advisory Group and a 10-

member Drafting Committee comprising experts from outside the NAC last August to prepare the Bill, expectations were high²⁹.

A similar Bill, prepared by the United Progressive Alliance (UPA) government in 2005, was examined by the Parliamentary Standing Committee on Home Affairs but was not enacted. Considering that most political parties when in power (except the Left) had failed to stop communal and targeted violence at different points of time since Independence, the 2005 Bill did not inspire confidence.

The Working Group presented its draft Bill to the NAC on April 28, and the NAC placed it in the public domain for comments. On the basis of the comments that were received until June 4, the council will finalise its recommendation to the government. Even as the political class and civil society reacted to the various provisions of the draft Bill, deep fissures within the Advisory Group and the Drafting Committee came to the fore.

Many members of the Advisory Group opposed the key provisions of the draft Bill. Two of the Drafting Committee members, legal researcher Usha Ramanathan and civil liberties lawyer Vrinda Grover, quit the committee on February 20 expressing their displeasure over its insistence on creating a National Authority. The process of preparing the draft Bill came under criticism for the lack of democratic decision-making and transparency³⁰.

The Bharatiya Janata Party (BJP) has described the Bill as the “most dangerous to the country's unity” and threatened to launch a campaign against it. The controversy is over the very definition of communal and targeted violence in the draft Bill. Communal and targeted violence, according to the Bill, is any act resulting in injury or harm to any person and or property, knowingly directed against any person by virtue of his or her membership of any group, which destroys the secular fabric of the nation.

Many members of the Advisory Group took umbrage at the phrase “which destroys the secular fabric of the nation” because it sets a higher threshold for an act to be considered communal and targeted violence. According to Soumya Uma, a member of the Advisory Group, it is not possible to establish whether in a given case

²⁹ Sezhiyan, Era, Lokpal Legislation – Vol. 66 No. 31 Sept. 4, 2011 – Janata

³⁰ Shah, Ghanshyam, Social movements in India : A Review of Literature, 2002.

the secular fabric of the nation is destroyed, let alone threatened. “We had, therefore, suggested avoiding the use of such too general phrases, which is likely to cause confusion rather than help precise definition,” she said. But the Drafting Committee accepted the recommendation of the Standing Committee on Home Affairs in this regard, ignoring the protests that emanated from the Advisory Group.

The BJP has opposed the definition of the word group in Clause 3(e) of the draft Bill. A clear definition of group is important because communal and targeted violence has to be one knowingly directed against any person by virtue of his or her membership of any group. The Bill defines group as a religious or linguistic minority in any State in the Union of India or the Scheduled Castes and Scheduled Tribes. Critics of the Bill ask why violence against a majority community should not be considered communal and targeted violence³¹.

There is, however, a consensus within the NAC that the definition of group should remain because there is a huge institutional bias against minorities. The definition acknowledges this bias so that there is no dilution of fair trial. Usha Ramanathan justifies this definition, saying that “our experience with communal violence has shown absence of institutional protection for the minorities”. NAC member Harsh Mander has pointed out that Hindus are a minority in seven States. He is also of the view that there are laws to take care of attacks by minority communities. Under Chapter IV, the Bill seeks to create a National Authority for Communal Harmony, Justice and Reparation. The National Authority, the Bill says, shall consist of a chairperson, a vice-chairperson and five other members. A proviso adds that not less than four members, including the chairperson and vice-chairperson, shall belong to the minority community. Another proviso requires that at all times, there shall be one member belonging to the S.C. or S.T. and four women, whether as chairperson, vice-chairperson or as members³².

³¹ Sumit Pande, Lokpal bill failed eight times in Parliament, <http://ibnlive.in.com/news/lokpal-bill-fails-eight-times-in-parliament/148630-37-64.html?from=hp>, last accessed on April 21, 2011 at 12:22 IST.

³² Sitapati, Vinay, What Anna Hazare Movement and Indias New Middle Classer Say about each other, Economic & Political weekly, July 23, 2011 Vol. XLVI No 30

According to the Bill, the National Authority shall conduct an inquiry suo motu or upon any information or otherwise received in relation to the occurrence or likely occurrence of offences of communal and targeted violence, and negligence in the prevention of communal and targeted violence by public servants. The Authority can issue advisories and make recommendations to state and non-state actors. The Bill seeks to create similar authorities at the State level. The National Authority can issue directions to the State authorities, and its directions shall be binding.

According to Usha Ramanathan, since the objective of the Bill is to break the culture of impunity, there is a need to enlarge the list of communal and targeted offences on the field. Instead, she says, the Bill creates overblown bodies in the form of National and State authorities. Since experience has shown that no Commission of Inquiry has been effective in breaking the culture of impunity, creating authorities at the Central and State levels which are in practice Commissions of Inquiries – would hardly help prevent communal violence, she observes.

One of the key guiding principles of the Bill is that its basic framework must not rest on the declaration of “disturbed areas” because it will enlarge the state’s powers, thereby threatening individual liberties. However, Clause 20 of the Bill says that the occurrence of organized communal and targeted violence shall constitute “internal disturbance” within the meaning of Article 355 of the Constitution, and the Central government may take such steps in accordance with the duties mentioned hereunder as required by the nature and circumstances of the case.

The experience of Central intervention under Article 355 during the 2002 Gujarat pogrom shows that it is hardly effective in the absence of political will to force the State government to take action. Article 355 says that it shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of the Constitution³³.

As the NAC reconsiders the draft Bill, in the light of the comments from political parties and civil society, it is hoped that it will result in a robust law to prevent communal and targeted violence.

³³ Surana, Pannalal, Corruption, fasts and more laws, Vol. 66 No. 22 July 3, 2011, Janata.

4.11 Anna Hazare's Life and History : A critical push to the Movement

The Anti-corruption movement, led by Kisan Baburao Hazare, more popularly known as Anna Hazare, was designed to highlight the issue of corruption, a reigning phenomenon in post-Independence India as mentioned above. Before discussing the objectives and trajectory of the movement, some light should be thrown on the life and history of its primary protagonist Anna Hazare, his people-centred and people-controlled perspectives as reflected in Ralegaon Siddhi, his long-drawn anti-corruption agitations against the political society of Maharashtra and his adopting of 'Gandhian' methods of protest. It is Hazare's philosophy and principles that gave the initial push to the citizens' eruption, which later became a country-wide call for a corruption-free India. "Hi fast unto death become the rallying point for a nationwide movement and forced the government to form a joints committee to draft the Lokpal Bill³⁴."

The Times of India on April 7, 2011 wrote about the Anna Hazare (a person who) "calls himself a fakir, a man who has no family, no property and no bank balance. He lives in 10ft Spartan room attached to the Yadavbaba temple in Ahmednagar's Ralegaon Siddhi village, 110 km from Pune and wears only Khadi... But when 71-year-old Kisan Baburao Hazare alias Anna starts an agitation, every leader from Mumbai to Delhi sits up and takes notice. Even his detractors and politicians, who hate his guts, grudgingly accept he is the only person who has the power to mobilize common people across the country and shake up a government." Born on 1940 in the family of an unskilled labourer, he could not finish his studies after the seventh standard due to financial problems and was forced to earn living selling flowers. Simultaneously, he also worked with the vigilantes protecting the poor who were thrown out of their homes by vindictive landlords and their hired goondas. Later, he joined the army as a driver during the Indo-Chinese war in 1962³⁵.

Every year when he used to come back to his native place Ralegaon Siddhi on leave, he slowly realized the deteriorating conditions in the village and the poor quality of life of his villagers. At times, he used to be frustrated with life and wondered about the very existence of human life. As a young man, I saw people

³⁴ Varshney, Ashutosh, State of Civil Society Indian Express, June 14, 2011

³⁵ Whaites, Alan, Let's get civil society straight: NGOs and Political Theory, Development in Practice, 1996, [2]^[dead link]

craving for material goods. Mera bhi mera, Tera bhi mera (What's mine is mine, what's yours is mine too) was their motto. When you die, you take nothing with you. Yet everybody hankered for more. I kept questioning myself: why do we behave like this? What is the purpose of life?" he recalled. However, he found no answers to his questions and his frustration reached such a level that one night he even contemplated suicide. Gradually, he became attracted towards the philosophy and preaching of Swami Vivekananda and slowly started understanding the meaning of a worthwhile life. "I bought a book on his ideas. After reading it, I realized that serving the poor means serving God. After that, jeewan ka dhaga haath mein aa gaya (I got a hold on life)," said Hazare.

Meanwhile, during the Indo-Pak war of 1965, he survived a fatal road accident. He considered this incident as an indication from the Omnipotent who by gifting life back to him wanted him to dedicate the same in the service of the masses.

Soon Hazare retired from the army and came back

Arguments for the Jan Lokpal are very simple, really. Because we are trying to set up a body to monitor and which will oversee the processes that check corruption and the denial of rights for different people. So this law, by its very nature, will have to address a large number of issues³⁶.

The malaise in the system is red tape, bureaucratic corruption, the denial of equality to people outside the system, the denial in fact of their right to question. Creating an edifice which is bigger than the sum of the parts of the solutions we are trying to come up with, would be self-defeating. One institution to oversee all the three institutions of bureaucracy, judiciary and legislature would be gigantic. And being so gigantic, it will fail in the process of monitoring itself and the three others it is meant to monitor. The larger the organisation, the more incompetent and inefficient it will be in overseeing itself.

One of the interesting debates that have emerged is the role of parliamentary democracy. Do you want parliamentary democracy or not? And if you don't want parliamentary democracy, what do you want? Because you can't damn Parliament, you can't damn the parliamentary processes of electoral participation and then say

³⁶ Schechter, Darrow, Sovereign state or Political Communities? : Civil Society and Contemporary Polities, 2000.

that you still want a democracy without these structures. We can argue and it is a very valid argument to say that these are corrupt structures. The question is: what will you substitute them with?

The theme of Anna's speech on 21st August is sacrifice. He asks his followers to be ready for sacrifice. With the self assurance of a well meaning patriarch he tells the crowd that having no immediate family he can sacrifice more, and will not hesitate to even sacrifice his life, but they too should sacrifice, a little bit, for reforming the country. The discourse is mildly (Hindu) religious, demonstrators at houses of MPs are asked to sing bhajans, the Janmashtami next day is also brought in to remind people of Krishna's fight against evil. Anna sits in front of a giant image of Gandhi, alone on a snow white stage. Symbolism is perfect for a clean image. His tone is sufficiently aggressive, but not shrill, when it comes to warn the government with a deadline, which predictably elicits a thunderous applause. Anna calls his followers to be fighters to get the government to pass the Jan Lok Pal Bill.

Messianism of the call is not in the person, but in the message. He has declared that the Jan Lok Pal bill will eradicate 60% to 65% of corruption. Why this figure, and no other? The hint perhaps is in the fact that in earlier times 60% marks in an examination stood for the much tried for first class. And, one can't miss the demeanour of a school master of yore in Anna. Crowd's sloganeering demanding Jan Lok Pal bill is hysterical. Magic wand is the image many commentators have used while questioning such calls. That appears far from the reality. Anna's followers want JLPBill, but realistically only few of them are likely to share the optimism of a glowing corruption free India after its passage. It is a means to protest. It is a lathi to browbeat a government whose legitimacy has hit rock bottom after series of scams. Further, the entire discourse around and conception of the JLP Bill accords with the crowd's sense of right and wrong³⁷.

This brings me to the definition of civil society. Is it one mass? What is the meaning of "you can't divide civil society"? Civil society is divided. We are divided into caste, class, gender, language, religions; we are divided by linguistic barriers, culture, food habits, and so on. India is a coming together of various separate groups. So to say civil society should be one is an absurdity.

³⁷ Shah, Ghanshyam, Social movements and the State, 2002.

Religion in the current Indian public life is a surrogate for a near absent liberal and secular public morality. Anna's folksy religious discourse reeks of morality; it presents a straight and easy choice in a good vs. evil contest. It is also apt for his politics of 'nothing but the JLPBill'. The moral over dose compromises objectivity, and quite simply leads to hyperbole. Claims in the name of 125 crore Indians are rampant. 'DoosriAzadi' is another catchy phrase. Hindu public religion in the times of Baba Ramdevs, and after the success of cultural nationalist project of the RSS with Hindu upper and middle castes, has become virulent and hatred filled. Notice how many times Ramdev asks for phansi (hanging) for Afzal Guru in his sermons. Anna's discourse and politics is different from Ramdev, which to an extent explains the difference between the fate of movements led by the two. However, school children protesting for JLPBill in Mumbai, still demand phansi for the corrupt. Absolutist morality of a religious kind with a violent and vindictive mindset is called Taliban in another context. Are Anna's followers in the so called Indian civil society even aware of such dangers?³⁸

A sunshine argument doing the rounds is that Anna's anti-corruption movement will prove to be healthy for Indian democracy since it has brought the youth and urban middle classes to the politics of the country. Nothing could be further from the truth. Youth in many parts of India, in Kashmir, North-East, Telangana, or in Maoist affected areas, are already in the thick of politics, a politics of the kind that has had, and will have, far deeper affects on their lives, than the politics of the JLKBill gathering at the Ramlila ground of Delhi. The youth of urban middle classes has given enough evidence of its politics by remaining indifferent to many protests in the capital against displacement, price-rise, loot of natural resources, state brutalities in Kashmir and North-East, to name just a few. This youth has agitated too. Just three years ago these youth were on streets against Central Govt. proposal to extend reservations to OBC students in institutions of higher learning.

Brightest stars of this youth group, students of Delhi IIT had then come on road with brooms, to tell everybody their future under reservations. (That protest reconfirmed the common sense of oppressed castes in India that the so called upper castes just do not get what it means to be devalued in caste's name.) Music bands and

³⁸ Sachar, Rajindar, Effective Lokpal not in sight, Vol. 66 No. 22 July 3, 2011, Janata.

film stars had joined anti-reservation protests at JantarMantar. Media and internet everyday make a political public of urban middle classes. These are the classes which get to air their opinions on programmes like 'We the People'. If participation in state politics is meant as access to, and influence over state policies, then the 'upper' caste, urban propertied sections are the most political of Indian population groups. With the open connivance of University administrations and judiciary, 'upper' caste students for the past three years have been garnering seats meant for OBC students. Hence, state money given in the name OBC students has actually facilitated access of 'upper' caste students to higher studies. Only last week did the Supreme Court disallow this flagrant violation of law. Access to all institutions of governance, the bureaucratic arm of the executive, the judiciary, the media, quasi-judicial regulatory bodies, etc., is mediated through money power and social capital, which obviously favours urban middle classes. Elected bodies are the only institutions in whose formation, at least formally, access follows the first democratic principle of equality³⁹.

Here, urban middle classes have increasingly lost their status as leaders of the nation, the status they enjoyed during the freedom struggle and decades after that. Local processes and social churning beyond these classes have taken over the electoral politics, failing ambitions of these classes to have 'people like them' elected. This failure partially explains the venal disregard of elected politicians by these classes. On the other hand, the rest of Indians keep on electing from the same bunch of corrupt netas, often rotating them, but finally from the same bunch, election after election in full gusto. Obviously, electoral politics has contradictory significance for different groups of Indians. For the majority of rural folk and urban poor, elections are mostly the only means to access state, unlike influential classes which use other institutions of governance and public opinion.

Urban middle classes have joined Anna's anti-corruption movement, not as pure white lilies. Their politics in the anti-corruption campaign is not an empty signifier. Nor is theirs an alternative form of politics, as some commentators are claiming. They are not a spontaneous agitated mass, only now waking from slumber to find their bearing in the morass of Indian politics. Their agitation is of a different kind than the others, mainly from the oppressed groups, we are used to seeing in

³⁹ Prasad, Bagwat, Anna and his Critics, Vol. 66, No. 33, Sep 18, 2011

India. Theirs is actually an agitation of a hegemonic block, which has always enjoyed a 'passive' access to state power in 'democratic' India. Anna's anti-corruption campaign has come at the right moment to address a limited, but very serious crisis of the legitimacy of an elected government. Legitimacy of the hegemonic block of classes ruling India is not in crisis; nor is the state authority being directly challenged. Such crises and challenges are dealt with entirely different set of political tools and tactics. The issue here is no individual choices; nor are possible resolutions to crises like these affected by conspiracies. Anna certainly did not start his campaign with the aim of resolving the legitimacy crisis of government. Nor was it inevitable that crisis will unfold the way it did, with Anna's campaign enjoying the central space.

The legal form of the tool he chose to confront the government, the JLP Bill, and his tactics, eschewing mass mobilization and keeping himself as the main fist of attack, fitted the political needs of urban middle classes well. Even the geographical sense of his assault, rooting himself at a place (JantarMantar in April and Ramlila Maidan in August) rather than a roving agitation like a padyatra, fitted the life style of these classes well. You could visit to show your support at your convenience. Anna's fast was a twenty four hour convenience. The largest rally in Anna's support on 21st August, one of the largest Delhi has seen in recent history, had many participants driving in their SUVs, widows rolled up, with full AC. Once Anna's campaign got support of the urban middle classes, the government had to be conciliatory⁴⁰.

The contrast with response to Irom Sharmila's ten year old hunger strike could not be more telling. Anna's consistency with his demand (some may call it his stubbornness, but credit must be given where it is due), humiliating an incompetent, and a government too clever for its own good, in one round after another, received increased cheerleading from the crowd. More was the government humiliated, louder were the claps. Government was in no position to call off the bluff, the nature of its rule was such that it sought approval of very classes that bayed for its blood. The game could go on and on, till the crisis of government's legitimacy worsened to the crisis of state power (government did well in this regard to not use its police force

⁴⁰ Pinto, Ambros, S.J., Anna Hazare's movement and India's middle class, Social Action Oct-December 2011 – Vol. 61. No. 4

after the first folly of arresting Anna), or the real threats, the riff raffs, the traffic stoppers, usual participants of other kinds of rallies, were not on the scene.

As the anti-corruption movement has acquired a mass character beyond its core support base of 'upper' caste, urban middle classes, and has become the process determining the character of government and state in the perception of hegemonic block, a number of diverse engagements with corruption and the anti-corruption movement have emerged from different quarters. For instance a dominant argument from left seeks to explain the explosion of corruption in the past two decades as a direct consequence of neo-liberal economic regime. Neo-liberalism allows for, and in fact encourages, new arenas of corruption through collusion of state functionaries and private capital.

However, it also diminishes the controlling powers of these functionaries, which in the earlier regime of state-led capital accumulation, was a fountainhead of corruption. In a society with deeply anti-democratic ethos, with no liberal and secular public morality, with a very narrow base of public rationality (that too limited to state institutions), it is inevitable that any positions of authority will degenerate into corruption. There will be opposition to corruption, because the liberal framework of political governance allows sufficient leeway for it to emerge. But opposition movements will not be able to remove corruption unless the question of a modern public sphere is directly addressed. Let us be clear, even transparency and accountability are very modern notions. Pre-modern social powers based on divine rights or strength of arms, had no need to be transparent and accountable for gaining legitimacy⁴¹.

If the above argument from the left restricts the social base of corruption, another argument coming from popular struggles tends to expand the notion of corruption. Hence, the forcible displacement, starvation, caste discrimination, etc., i.e. all issues of long drawn out struggles, are now being called instances of corruption. This is surprising, because these have so far been seen from the perspective of much more robust frameworks involving injustice, exploitation, casteism, etc. How will calling these also corruption help struggles against them? Besides calling them

⁴¹ Oommen, T. K., Nation, Civil Society and Social movements : Essays in Poli. Sociology, Sage Publication, 20-Mar 2004

corruption is factually incorrect. For instance, displacement due to Narmada dams is not a result of corruption. It is a legal displacement, it has occurred with the concurrence of the highest court of the land. But it remains unjust, and that is still the ground on which to struggle against it. AFSPA in Kashmir and North-East is not corruption. It is a logical and legally permissible companion of armed aggression against people.

4.12 The Grassroots RTI Movement: (Rajasthan)

The first organized civil society movement campaigning for access to information was the so called Mazdoor Kisan Shakti Sangathan (MKSS), officially launched on May 1st, 1990, in the state of Rajasthan, as a solidarity group of farmers and rural workers, most of whom were indigent and illiterate. The primary stated objective of MKSS which sustained itself exclusively from members' and individuals' contributions was to improve the living conditions of its constituents. To do so, it started staging protests, public marches, rallies, sit-ins, and hunger strikes in the villages to demand fair working conditions and minimum wages for daily workers and farmers that were promised under the government-sponsored drought relief and rural development work programs. Whenever workers and farmers asked to be paid the statutory minimum wage, they were told by the local administrators that their work did not appear on the muster rolls (that is, the employment and payment records). Under the slogan "Our Money, Our Accounts," collective action undertaken by MKSS demanded that the local administrators provide the muster rolls (daily record of payment of wages) recording the tasks performed by each worker and the wages paid to them, as well as documentation accounting for all expenses incurred for the works carried out in the villages⁴².

The marches, rallies, hunger strikes, and sit-ins protesting the lack of transparency were regularly reported in the local and national media and ultimately led to the Rajasthan government authorities consenting to release the information requested by the villagers. At this stage, MKSS organized a series of so-called jan sunwais (public hearings) in which the records describing the development projects, their timelines, the number of people employed, how much they had been paid, and so

⁴² Oommen, T. K., *Social movements 11 : Concerns of Equity and Security*, 2010

forth were read aloud and the villagers and workers attending the hearings were called to testify whether the information reported in the books, to the best of their knowledge, was correct. More often than not, villagers would stand up and say that the information recorded in the books was incorrect or falsified. For example, public works might be reported as completed but never actually started, or there may have been recorded payments to people who were actually dead. This resulted in the naming and shaming of corrupt public officials, thus exposing the corruption that permeated the activities of the public administration.

In the second half of the 1990s, following the increasing attention paid by the media to the scandals uncovered by the *jan sunwais*, the MKSS campaign started to focus more closely on the importance of the right to information as a tool to empower poor people in the fight for their rights and a means to monitor public authorities and hold them accountable for their actions. At a mass meeting organized in the city of Beawar on September 25, 1995, under the slogan “The Right to Know, the Right to Live,” more than 2,000 villagers from all over Rajasthan rallied to demand a law that would operationalize their right to information. In October 1995, a first nonofficial bill on access to information was drafted by the Rajasthan Academy of Administration in cooperation with some of the founding members of MKSS and other individuals from different professional backgrounds. However, it was not until 1998, following reiterated public hearings and mass mobilization, that the Rajasthan government appointed a committee to draft a state right-to-information bill, inviting MKSS for rounds of discussion. The final Right to Information (RTI) Act was approved in 2000⁴³.

4.13 Other Civil Society Groups:

In addition to MKSS, there were other voices from civil society, most notably groups working for consumer protection, such as the Consumer Education and Research Council, Ahmedabad, led by Prof. Manubhai Shah; groups demanding transparency and accountability in environmental governance, such as the CHIPKO movement; people’s movements demanding just resettlement of people displaced by development projects, such as the Narmada Bachao Andolan; campaigns aimed at

⁴³ NK Gupta, *Corruption in India*, Anmol Publications Pvt. Ltd., New Delhi, Pg. ix.

ending hunger, such as the Right to Food Campaigns; and so forth. The movement against widespread corruption in the bureaucracy launched by the Bhrashtachar Virodhi Andolan, led by Anna Hazare in Maharashtra, also provided the necessary breadth to this movement, drawing upon diverse sections of civil society and the citizenry. Several bureaucrats who had retired from prominent positions, such as Madhav Godbole; prominent lawyers, such as Prashant Bhushan; retired judges from the Supreme Court, such as Justice P. B. Sawant, and from the High Courts, such as Justice H. Suresh; and senior media professionals, such as Ajit Bhattacharjea and Prabhash Joshi, voiced their support for the adoption of a comprehensive transparency law to make the deemed fundamental right to information a reality for the people⁴⁴.

4.14 The National RTI Coalition:

The resonance at a national level of the success of the MKSS campaign paved the way for the creation of the National Campaign for People's Right to Information (NCPRI), set up in New Delhi in 1996 following a meeting organized by the National Press Council of India. Members of the successful MKSS campaign held in Rajasthan participated in the meeting and subsequent creation of NCPRI.

NCPRI is a nonregistered group whose aim is to provide support to the grassroots movements for the right to information in the different states and to lobby the central government for the adoption and implementation of effective access to information legislation. The group has no exclusively dedicated staff, nor does it have a regular administrative budget. NCPRI members belong to the broadest range of sectors, including people's movements campaigning for livelihood protection, children's rights organizations, anti-globalization activists, environmental activists, women's rights groups, consumer rights groups, lawyers, and retired bureaucrats, as well as media and a small number of academics. However, NCPRI members do not represent their organizations within NCPRI; rather, they participate as individuals. They bring their experience to the table during meetings and discussions. They meet once a year in a large event where people from each state working at the grassroots level come together to share their experiences of working on a variety of development, social justice, and human rights issues.

⁴⁴ Nishikanta, In Support of Jana Lokpal, Vol. 66 No. 22 July 3, 2011, Janata.

NCPRI is adamantly opposed to receiving any sort of institutional funding, even coming from international donors, because this would undermine the independence and the strictly “grassroots, home-grown” nature of the right-to-information movement across the country. Therefore, NCPRI relies exclusively on contributions from individuals, which forces them to operate with a very meager budget. All policy decisions are made by an appointed Working Committee, which also raises resources and periodically reviews NCPRI’s objectives, priorities, and strategies. The Director and the Right to Information Programme Coordinator of the INGO Commonwealth Human Rights Initiative (CHRI) are members of NCPRI’s Working Committee and cooperate with them toward developing a consensus on actions and priorities.

The first action of NCPRI was the discussion and formulation of a draft national RTI Bill, which was sent to the central government in 1996 and was finally introduced in Parliament in 2002, albeit as a much-diluted version of the original draft. The bill was approved by the Indian Parliament in December 2002 and signed by the President on January 11, 2003, but because a date for its entry into force was never set, it was never implemented. In the meantime, because of popular pressure or pressure from donor agencies, nine states passed their own information-access laws.

In the meantime, NCPRI, with the support of CHRI, also campaigned for the adoption of RTI Acts at the state level and in 2002 organized its first national convention in Beawar (Rajasthan), which was attended by more than 1,000 activists across the country. The second national convention was held in Delhi in 2004, and more than 30 workshops were also organized across the country to discuss the need to enact and improve the existing national RTI Act⁴⁵.

4.15 Movement for Right to Information:

Notwithstanding the Constitutional provisions and Supreme Court judgments, the real movement for right to information in India originated from the grass roots level. A massbased organisation called the Mazdoor Kisan Shakti Sangathan (MKSS) took an initiative to lead the people in a very backward region of Rajasthan - Bhim

⁴⁵ Nirvikar Singh (19 December 2010). "The trillion-dollar question". The Financial Express.

Tehsil - to assert their right to information by asking for copies of bills and vouchers and names of persons who have been shown in the muster rolls on the construction of schools, dispensaries, small dams and community centres as having been paid wages. On paper such development projects were all completed, but it was common knowledge of the villagers that there was gross misappropriation of funds with roofless school buildings, dispensaries without walls, dams left incomplete, and community centres having no doors and windows, and poor quality of cement being used for construction.

After years of knocking at officials' doors and despite the usual apathy of the State Government, MKSS succeeded in getting photocopies of certain relevant documents. Misappropriation of funds was clearly obvious. In some cases, the muster rolls contained names of persons who either did not exist at all or had died years before. MKSS organised a Jan Sunwai (People's hearing), the first ever in the history of Rajasthan. Politicians, administrators, landless labourers, private contractors were all invited to listen, respond and, if willing, to defend themselves. Popular response was phenomenal, whereas, understandably, most Government officials and politicians stayed away and remained silent.

Between December 1994 and April 1995, several other public hearings were organised. People's anger made one engineer of the State Electricity Board to return, in public, an amount of Rs.15,000 he had extracted from a poor farmer. This grassroots movement spread fast to other areas of Rajasthan and to other States establishing firmly that information is power and people should have the right to official information – how public money is spent and how the same is accounted for. 'Loksatta', an NGO in Andhra Pradesh has undertaken mass awareness campaigns across the State and through a 'post card campaign' made representations to the Prime Minister of India demanding the enactment of a right to information law.

The Rajasthan experience on demanding right to information was echoed in other States. The growing demand for a right to public information from various sections of the society, led by civil society organisations in these States could no longer be ignored. The need to enact a law on right to information was recognised unanimously by the Chief Ministers Conference on "Effective and Responsive Government", held on 24th May, 1997 at New Delhi. The Government of India, Department of Personnel, decided to set-up a 'Working Group' (on the 'Right to Information and Promotion of Open and Transparent Government') in January 1997

under the chairmanship of Mr. H. D. Shouri, which submitted its comprehensive and detailed report and the draft Bill on Freedom of Information in May 1997⁴⁶.

The Press Council of India, the Press Institute of India, the 'National Campaign for People's Right to Information' and the Forum for Right to Information unanimously submitted a resolution to the Government of India to amend the proposed Bill in February, 2000⁴⁷.

The Government of India introduced the Freedom of Information Bill, 2000 (Bill No.98 of 2000) in the Lok Sabha on 25th July, 2000. The Bill, which cast an obligation upon public authorities to furnish such information wherever asked for, was passed by the Parliament as the Freedom of Information (FoI) Act, 2002. However, the Act could not be brought into force because the date from which the Act could come into force, was not notified in the Official Gazette.

The United Progressive Alliance (UPA) Government at the Centre, which came into power in 2004, set up a National Advisory Council (NAC). The Council suggested important changes to be incorporated in the FoI Act. These suggestions were examined by the UPA Government, which decided to make the FoI Act more progressive, participatory and meaningful. Later, however, the UPA Government decided to repeal the FoI Act, and enacted a new legislation, the Right to Information Act, 2005, to provide an effective framework for effectuating the right of information recognised under Article 19 of the Constitution of India.

4.16 History of Right to Information:

The Right to Information campaign in India began with the Mazdoor Kisan Shakti Sangathan (MKSS) movement in Rajasthan to bring in transparency in village accounts of Government spending. This was in the year 1993. Government spends substantial budget on creating basic infrastructure in rural areas using manual labour. Ghost entries of labourers in payment rolls were a sign of rampant corruption in the system, which prompted MKSS to probe the situation. In the process they demanded

⁴⁶ Nayan, Kuldeep, Corruption Still haunts India's Janata – July 31, 2011, Vol. 66. No. 26.

⁴⁷ Myint (December 2000). "CORRUPTION: CAUSES, CONSEQUENCES AND CURES" (PDF). Asia-Pacific Development Journal 7 (2). Archived from the original (PDF) on 27 October 2011.

official information recorded in government files of particular rural projects. They found it very difficult to get access to the files and registers containing required information. They took all the trouble and acquired the information. Once they had the information they freely disseminated it to the beneficiaries which led to unrest among the rural populace. From very modest beginning in the villages of Rajasthan, the success of MKSS has been a source of inspiration for activists in India. It led to the genesis of a broader discourse on the Right to Information in India. There were parallel processes at work as well at different levels, demanding transparency in governance. In 1993, a draft RTI law was proposed by the Consumer Education and Research Council, Ahmedabad (CERC). In 1996, the Press Council of India headed by Justice P.B. Sawant presented a draft model law on the Right to Information to the Government of India. Unfortunately, none of the draft laws were seriously considered by the Government.

MKSS's advocacy gave rise to the National Campaign on People's Right to Information (NCPRI), to campaign for the right to information at the national level. In 1997, the central government appointed a working group to draft legislation on Freedom of information under the chairmanship of H.D.Shourie, consumer activist and former bureaucrat. The Shourie Committee's Report and draft law were published the same year. Notably, the draft law was criticised for not adopting a high enough standard of disclosure. The draft passed through two successive governments before being reworked into the Freedom of Information Bill in 2000. The Bill was sent to the Parliamentary Standing Committee on Home Affairs, which consulted civil society groups before submitting its Report in July 2001. The Committee recommended that the government addresses the flaws in the draft Bill pointed out by civil society. The national Freedom of Information Bill, 2000 was passed by Parliament in 2002 but failed to get notified⁴⁸.

Few States like Rajasthan, Maharashtra etc made State laws which was the earlier version of RTI but has some restrictions. The civil society movement for Right to Information received a major boost when the UPA Government's Common Minimum Programme promised that: "The Right to Information Act will be made

⁴⁸ Meenu, Annand, Politics of corruption in Indian - Social Action Oct-December 2011 – Vol. 61. No. 4

more progressive, participatory and meaningful". The new government set up the National Advisory Council (NAC) to oversee speedy implementation of the Government's Common Minimum Program. Further, the Supreme Court, under a public interest litigation case on the issue, directed the government to notify the Act and laid down a specific deadline (15 September 2004) for the implementation of its orders. The Draft Rules under the Freedom of Information Act 2002 was released for public deliberations with the NAC and a range of civil society activists also gave evidence before the Committee. The Act formally came into force on 12 October, 2005⁴⁹.

The journey towards RTI offers some interesting insights. For one, it is obvious that the RTI Act in India has come a long way through deliberations and participation of the civil society organizations at different levels. The influence of civil society groups like MKSS and movement in Maharashtra lead by Anna Hazare played an important role in the process. However, the political presence of these movements was restricted to small regions in the country and their efforts did not trigger the massive political pressure to compel the government to enact this law which runs against the vested interests of the massive Indian bureaucracy. The influence of the civil society organizations on this Act is obvious. However it will be wrong to attribute the credit for this law entirely to the civil society organizations. Realization of RTI was possible also because of initiative by key individuals like UPA's Chairperson Sonia Gandhi and some other elected representatives. In addition we can see that the Judiciary has also played an important role in making this happen⁵⁰.

4.17 RTI and good governance:

There is also anecdotal evidence on the broader impact of such laws with regard to more sustainable changes. There have been cases where public officials and Ministers have been expelled from government due to information disclosed through

⁴⁹ <http://www.nyayabhoomi.org/treatise/history/history1.htm>.

⁵⁰ MDRA (February 2007). "Corruption in Trucking Operations in India" (PDF). The World Bank. Archived from the original (PDF) on 10 April 2012.

RTI requests, and instances where RTI findings have triggered reforms and created broader civil society mobilisation against corruption, such as in India, among others.

In the UK, NGOs and investigative journalists have used freedom of information requests to investigate the expenses of members of parliament. The information was leaked prior to the official response, but nevertheless helped to identify wrongdoings and led to the conviction and suspension of several members of parliament⁵¹.

In Romania, the use of the RTI law by a coalition of civil society organisations (CSOs) for the creation of an integrity ranking of Romanian Universities led to an immediate improvement in university transparency. As of 2013, as a result of the study and the information disclosed, more than 25 percent of universities in the country have been proactively publishing procurement expenses on their website and advertising teaching jobs openly. The action also played a key role in the adoption of a new education bill in 2011, which introduced measures to limit nepotism. Unfortunately, according to CSOs in the country, this action has helped to achieve specific reforms and improvements but not to change the culture of favouritism and the broader corruption problems that permeates Romanian society.

The problem is that without further systematic and sustainable change, the improvements achieved in the higher-education sector are now threatened (Romania Academic Society 2013). In Brazil, as required by the Access to Public Information and Transparency Law, the government proactively publishes a series of budgetary information online. Media outlets have used the information to enhance supervision of governmental programmes, spot inconsistencies and expose corruption and wrongdoings. Such exposure led to investigations on several politicians and the resignation of several ministers in the last years⁵².

In Mexico, a local NGO used freedom of information requests to investigate the beneficiaries of the largest federal farm subsidy program. The information disclosed helped to review corruption and mismanagement of the programme. The list showed that the main beneficiaries of the programme were not Mexico's poorest and

⁵¹ Narayana, Jayaram, *On Civil Society : Issues & Perspectives*, 2004.

⁵² Narayana, Jayaram, *On Civil Society: Issues & Perspectives*, 2004.

smallest farmers, but rather rich and productive farmers. The Minister of Agriculture was removed from office and

4.18 RTI: A tool to tackle Corruption:

Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. The Right to Information (RTI) is a vital tool for good governance. Transparency and accountability are for good governance. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality. The Main thrust of RTI law is to change the culture of secrecy, red-tapism and aloofness that has long plagued India's monolithic and opaque bureaucracy. Right to Information is a symbol for components of good governance. The components of good governance can be ensured through RTI⁵³. It is helpful in ensuring transparency and accountability in the governance. The history of struggle for right to information indicates that, it is the result of efforts made for transparency and disclosure of corruption in the wages system in Devdungri village in the Rajasthan. This effort was started by MKSS (Mazdoor Kissan Shakti Sangthan) to tackle corruption at grass root level. As a result many states pass bill related to right to information and in 2005 government passed a land mark Act named, Right to Information Act, 2005" with the objectives of:

- Greater Transparency in functioning of public authorities.
- Improvement in accountability and performance of the Government.
- Promotion of partnership between citizens and the Government in
- Decision making process; and
- Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance. There are many instances when right to information is used for the disclosure of corruption in one or other form. Social activist Aruna Roy has described India's RTI Act as "the most fundamental law this country has seen as it can be used from the local panchayat (a unit of local government) to parliament, from a nondescript village to posh Delhi, and

⁵³ Malaviya, Satya Prakash, Include the PM within Lokpal Bill. Vol. 66 No. 25, July 24, 2011.

from ration shops to the 2G scam.”¹⁵In January 2013 in Times of India, it is stated that, the right to information (RTI) Act is a very good tool to improve the functioning of the government. This observation was made by Leena Mehendale¹⁶, a retired IAS officer at an interactive titled 'Role of PIOs and RTI activists in good governance'. The former additional chief secretary of Maharashtra termed the RTI Act as the most important act that has been drawn up and implemented after the constitution of the country. Mehendale felt the RTI can facilitate people's participation in development. She stated that often the common man has no role in government functioning⁵⁴.

Case studies and media reports show that RTI is being used to redress individual grievances, access entitlements such as ration cards and pensions, investigate government policies and decisions, and expose corruption and misuse of government resources. In 2010, K.S. Sagaria, a resident of Kushmal village in rural Orissa, filed an RTI application seeking information on the number of ponds constructed in his village under the government's national wage employment scheme.

The information he received was revealing: the ponds had never been constructed even though money had been allocated and spent. Following complaints from villagers, the local administration was forced to take action and suspend the officials involved in the pond scam addition; a recent experiment of students at Yale University found that India's RTI Act can be as effective as bribery in helping the poor access their entitlements. As part of the experiment, slum dwellers in Delhi were divided into four groups and asked to submit applications for ration cards. While the first group submitted their application and did not follow up, the second group attached a recommendation letter from an NGO to their application, the third group paid a bribe and the fourth group filed an RTI request to follow up on their application. Yale Ph.D. students Leonid Peisakhin and Paul Pinto found that while the group that paid a bribe was the most successful, those that filed RTIs had their applications processed nearly as fast. According to Peisakhin: “Access to information appears to empower the poor to the point where they receive almost the same

⁵⁴<http://www.thehindu.com/todays-paper/tp-features/tp-metroplus/article1692336.ece>., last accessed on April 21, 2011 at 18:32 IST.

treatment as middle-class individuals at the hands of civil servants. This is something that payment of a bribe cannot do.”⁵⁵

With corruption being viewed as one of the biggest “obstacles in the efficient delivery of development resources to the poor in developing countries,” an empirical study concluded that the RTI negatively impacted corruption and its statistical impact on curbing corruption was quite significant. The study, conducted in 20 states over a span of three years, found that the act “reduces corruption in an average state by 18.5 per cent points”. The authors found that the act “explains approximately 62 percent of the actual decline in corruption in Bihar over the period 2005 to 2008”, which is rather a large impact considering Bihar is one of the most corrupt states.

The study concluded that the legislation makes significant contribution in controlling corruption, enhancing the quality of public goods and services, empowering citizens and by breaking the informational monopoly of public officials. “It prevents corrupt public officials from misusing this information to advance their own interest. On the other hand, it provides the government with more power and public support for conducting top down audit of corrupt departments,” Bhattacharyya and Jha conclude. Thus right to information has a immense power to make government accountable and transparent. We as individuals have the power and the responsibility of bringing Good governance by using and spreading the use of Right to Information. Going beyond stopping corruption and getting the Citizens their rightful due, Right to Information also lends itself to being used by Citizens to address issues of Governance and a rational basis for public policy. Indian Citizens have an opportunity to realize “Swaraj” and turn it into “Su-raj” a true and enlightened self-governance and good governance⁵⁶.

In India, following a nationwide campaign led by grassroots and civil society organizations, the government passed a landmark Right to Information Act in 2004. Since then, social activists, civil society organizations, and ordinary citizens have

⁵⁵ Maclver, R.M. and Page, C.I-I, Society : An introductory Analysis (London : Macmillan and Co-Ltd., 1952) P. 509.

⁵⁶ Kalyani Shankar, Civil Society concerns Government, <http://www.dailypioneer.com/331681/Civil-society-corners-Government.html>, last accessed on April 21, 2011 at 11:43 IST.

effectively used the Act to tackle corruption and bring greater transparency and accountability in the government. Social activist Aruna Roy has described India's RTI Act as "the most fundamental law this country has seen as it can be used from the local panchayat (a unit of local government) to parliament, from a nondescript village to posh Delhi, and from ration shops to the 2G scam."⁵⁷

Unlike many countries where RTI laws have been used primarily by journalists and the media, in India the law has a broad base of users. A 2009 study estimates that in the Act's first three years alone, close to two million RTI requests were filed in different parts of the country. Case studies and media reports show that RTI is being used to redress individual grievances, access entitlements such as ration cards and pensions, investigate government policies and decisions, and expose corruption and misuse of government resources.

According to Peisakhin: "Access to information appears to empower the poor to the point where they receive almost the same treatment as middle-class individuals at the hands of civil servants. This is something that payment of a bribe cannot do. With corruption being viewed as one of the biggest "obstacles in the efficient delivery of development resources to the poor in developing countries," an empirical study concluded that the RTI negatively impacted corruption and its statistical impact on curbing corruption was quite significant. The study, conducted in 20 states over a span of three years, found that the act "reduces corruption in an average state by 18.5 per cent points". The authors found that the act "explains approximately 62 percent of the actual decline in corruption in Bihar over the period 2005 to 2008", which is rather a large impact considering Bihar is one of the most corrupt states⁵⁸.

The study concluded that the legislation makes significant contribution in controlling corruption, enhancing the quality of public goods and services, empowering citizens and by breaking the informational monopoly of public officials. "It prevents corrupt public officials from misusing this information to advance their own interest. On the other hand, it provides the government with more power and public support for conducting top down audit of corrupt departments," Bhattacharyya

⁵⁷ Kejriwal, Arvind, Beware of the Govt. Lokpal Bill – vol. 66 No. 27, Aug 7, 2011

⁵⁸ Kar, Dev (2010). The Drivers and Dynamics of Illicit Financial Flows from India: 1948–2008 (PDF). Washington, DC: Global Financial Integrity.

and Jha conclude. Thus right to information has a immense power to make government accountable and transparent. We as individuals have the power and the responsibility of bringing Good governance by using and spreading the use of Right to Information. Going beyond stopping corruption and getting the Citizens their rightful due, Right to Information also lends itself to being used by Citizens to address issues of Governance and a rational basis for public policy. Indian Citizens have an opportunity to realize Swaraj and turn it into Su-raj – a true and enlightened self-governance and good governance⁵⁹.

4.19 Corruption – a social defect

The real battle for the future began the moment Anna Hazare sipped lemon water at Delhi's Jantar Mantar to break his fast on April 9. The four-day fast started on a low-key note, but exploded into a nationwide exhibition of anger, as a diminutive, unknown Gandhian from Maharashtra turned into a giant icon, a heroic symbol of the hidden despair that had been swelling in the consciousness of an outraged nation. Spontaneous protests broke out in 450 cities and towns across India. The indifferent UPA government, seized by a rising panic, caved in within 98 hours, and accepted the demand for the creation of an independent Lokpal who would become India's guardian against corruption. It did not realize that this was only the start of a long battle for change⁶⁰.

Three people fasted; others staged a sit-in protest at Gandhi Park in Lucknow. Minutes after Hazare broke his fast, lawyer and activist Prashant Bhushan who had played a key role in drafting the Jan Lokpal Bill, caught hold of fellow campaigner Arvind Kejriwal, the pioneering Right to Information activist, who was being swept away by the jubilant crowd and said, "It is time for direct democracy. We should meet to discuss it."

Direct democracy, an idea floated in January 2011 by the Public Cause Research Foundation led by Kejriwal, and blessed by Anna Hazare, is next on the

⁵⁹ Kumar, Arun, The dangers of redefining democracy Vol. 66 No. 22 July 3, 2011, Janata.

⁶⁰ Levine, Ross. Renalt, David. A Sensitivity Analysis of Cross-Country Growth Regressions, The American Economic Review (Sep 1992, Vol. 8, 4)

agenda. The activists believe that only radical institutional change can eradicate corruption from India. At the heart of the direct democracy campaign is complete decentralization. It goes much further than Panchayati Raj. The country will be divided into "areas", each consisting of only 3,000 voters. These voters will constitute the "Area Sabha". The area sabha will have complete administrative control over all civic services-schools, local hospitals, ration shops, and roads. The Area Sabha will have the right to demand financial resources from the Government. Crucially, the Area Sabhas will have punitive powers over government officials. They will have the power to appoint, dismiss and withhold salaries. All panchayats and local government bodies that exist now will be superseded.

The other pillar of direct democracy is the right to recall elected representatives. This is meant to end the complacency that overcomes elected representatives when they are guaranteed tenure. Says Hazare, "Now after registering the vote, the hapless voter has his hands chopped off. After the polls, he will have no power. The right to recall will ensure that the voters will always remain powerful." The activists hope that this will end the complacency that overcomes elected representatives when they are guaranteed tenure⁶¹.

Kejriwal wants these ideas translated into legislation. A first draft of what he calls the Nagar Raj Bill is ready. He is preparing to launch a mass campaign once the Lokpal Bill is passed. Says Kejriwal, "Hazare will lead this as well. Similar to the Lokpal campaign, we will go to the people, explain and build public opinion."

The ideas sound good in theory. Direct democracy is not a novel idea in the subcontinent. It has not had spectacular success. Ayub Khan, the first of Pakistan's military rulers, introduced "basic democracy" in 1959. He did not believe that Parliamentary democracy was suitable for the country. But he chose to empower local governments. Administrative units across the country were given powers to elect their own representatives who had significant decision-making powers, including the power to impose some taxes, at the local level. In the 1970s, Jayaprakash Narayan argued in favour of a "partyless" direct democracy. Much like the Hazare-Kejriwal plan, his idea was to empower the smallest unit of governance. In Narayan's case it

⁶¹ Mankiw, N. Geogory et al. A Contribution to the Empirics of Economic Growth. The Quarterly Journal of Economics (May 1992, Vol. 107, 2)

was the Gram Sabha. India got some decentralization, but not direct democracy, with the constitutional amendment on Panchayati Raj passed in 1992⁶².

While decentralization may be desirable, direct democracy in its extreme version is utopian and has limitations in a large, pluralistic country like India. It has the potential to seriously destabilise governance as we know it. Politicians, worried about this unexpected show of strength from civil society have begun to close ranks. Said Digvijay Singh of the Congress, "Just like it is not proper to dub all voters as dishonest so is the case with politicians. I would like every such person who attacks politicians to contest elections." Said Samajwadi Party MP, Mohan Singh, "What was the compulsion of the civil rights activist to launch a movement bypassing parliamentary procedure?" Senior BJP leader L.K. Advani, who continues to support Hazare, struck a note of caution on his blog. "I am of the view that those who revel in spreading a general climate of disdain about politics and politicians are doing a gross disservice to democracy."⁶³

The political class, particularly the government, must take the blame for letting civil society gain the upper hand. A complacent and arrogant Government had repeatedly ignored Anna Hazare's letters on the Lokpal Bill. The government was forced to act after crowds began to build up at Jantar Mantar and other venues across the country by the evening of 5th April. Over the next few days, the Government deployed law minister Veerappa Moily and lawyer-minister Kapil Sibal to talk Hazare out of his fast. He did not yield. On April 7, UPA chairperson Sonia Gandhi made a significant intervention when she publicly assured Hazare that his demands would have the government's "full attention" and appealed to him to end his fast. The Sonia Gandhi-led NAC is also in the process of studying the government's version of the Lokpal Bill. Two members of the NAC, Harsh Mander and Aruna Roy broke ranks with civil society to express "reservations" about the Hazare-led movement. Privately, members of the Congress party admit that the die was cast in Hazare's favour the moment Sonia made her statement. But Hazare was not going to give in to verbal assurances, even if they came from Sonia Gandhi.

⁶² Nayar, Kuldeep, Another People's Movement – Vol. 66 No. 29 Aug. 21. 2011

⁶³ Surana Pannalal; Let us not lose sight of the main objective, Vol. 66 No. 22 July 3, 2011, Janata.

Hazare received strong support from an unexpected quarter in the UPA. Union minister and Trinamool Congress MP Dinesh Trivedi offered to resign in support of Anna's cause. Said Trivedi, "It wasn't an emotional outburst. It all started with the Vohra Committee report, when it was clear that the official machinery was being run by the mafia. If that is the case, then we have no future."⁶⁴

Finally, it was a letter from Moily to Prime Minister Manmohan Singh that settled the issue. Moily urged Singh not to make it a prestige issue and cited precedents of joint committees being notified in gazettes. On the morning of April 9, the drums began to beat and the chorus began to sing as Hazare broke his fast. A beleaguered government finally submitted to all the his demands and issued a notification for a joint committee of government and civil society to draft the Lokpal Bill.

How important is the Lokpal Bill in the fight against corruption? Writing in this issue of India Today, N. Santosh Hegde, a former Supreme Court judge and currently Karnataka Lokayukta-he is also a member of the Joint Committee-says that the Bill will not end corruption, but will help control it. Hegde was part of a group of anti-corruption crusaders that included former CEC J.M. Lyngdoh, former CVC P. Shankar, then CVC Pratyush Sinha and activists Nikhil Dey, Shekhar Singh and Kejriwal who got together one afternoon in Delhi in August 2010 to prepare a draft of the Jan Lokpal Bill⁶⁵.

The purpose of the Lokpal Bill is to create an independent and empowered anti-corruption agency that has jurisdiction over all public officials. The devil lies in the detail. The key features of the government's version of the bill, rejected by Hazare, are:

- The Lokpal will only be an advisory body.
- It will not have any policing (including investigative) powers and will still depend on the Government's enforcement agencies to do its job.

⁶⁴ Mahaptra, Nishikant, understanding Anna Movement, Janata, March 25, 2012, Vol. 67. No. 9.

⁶⁵ Jha, Satish K., Democratic meaning of the Anna Movement: One View – New Delhi. Dec, 24,2011 – Mainstream Vol. L. No. 1. PP – 65-69.

- It will have no authority to receive complaints against MPs, ministers and the prime minister directly. Those would have to be routed through the presiding officers of both houses of Parliament.
- It will not take up complaints against the prime minister that involve foreign affairs, defence and security.
- The selection committee for Lokpal will comprise of prime minister, vice-president, leaders of both Houses, leaders of Opposition, law and home ministers.

Contrast these with the key features of the Jan Lokpal Bill drafted by civil society:

- Lokpal is not an advisory body. It can investigate and launch prosecution
- The anti-corruption wing of the CBI will report only to the Lokpal and act as its investigative arm
- It will be allowed to initiate a probe suo motu, and can receive direct complaints from the public
- It can take up complaints on any aspect of governance, including foreign affairs, defence and security
- The selection committee for Lokpal will comprise of CVC, CAG, activists, journalists, winners of international awards and people with judicial background.

International experience on independent anti-corruption agencies can provide a useful guide to the Joint Committee. The most successful experiments in independent anti-corruption agencies are from Hong Kong and Singapore. But perhaps the most instructive for India is the experiment undertaken in Indonesia, notorious for its corruption. The country set up an independent Corruption Eradication Commission (KPK) in 2002. The KPK has the right to investigate and prosecute and has powers to use covert surveillance. Between 2003 and 2009, the agency recorded a 100 per cent conviction rate in 86 cases. It helped alleviate Indonesia's image in the eyes of international investors. That is the conviction rate that the Lokpal, once in existence, must aspire to⁶⁶.

⁶⁶ Jayaraman, K.S. (9 November 2009). "Report row ousts top Indian scientist".

Nature. Retrieved 19 June 2012.

At the same time, the KPK's many problems hold important lessons. The enforcement agencies of the executive have repeatedly clashed with the KPK, going to the extent of framing false charges against KPK commissioners. Enforcement agencies in India are likely to have run-ins with an independent Lokpal, especially if they continue in their old mode of doing the bidding of their political masters. The rest of the CBI, barring the anti-corruption unit, will still report to the Government. There is also the problem of capacity. The KPK, limited in its resources, has been unable to handle the huge number of cases that are referred to it. In India, the Lokpal will have to handle cases that range from 2G spectrum to an sho demanding bribes. Some of the burden will be shared once each state has its own Lokayukta. The real bottleneck may be in the judiciary. The Lokpal will have designated courts to hear its cases, but a stretched judiciary may not be able to provide the courts needed.

None of this means that the Lokpal should be abandoned. But it's important to recognise its limitations. The Joint Committee will begin to debate these issues on April 16. It has been presented with a deadline of June 30 to submit the draft bill. In the meantime, it must overcome the controversies that have engulfed it even before it starts work. On the very day that the membership of the committee was announced, Baba Ramdev, a prominent anti-corruption activist in his own right and a staunch supporter of Hazare until then, lashed out at the alleged nepotism in the appointment of both father Shanti Bhushan and son Prashant Bhushan. Ramdev wanted Kiran Bedi on board along with Hazare, Kejriwal, Santosh Hegde and one of the Bhushans⁶⁷.

On the following day, the Government's chief troubleshooter Kapil Sibal, one of the five government nominees on the Committee along with Pranab Mukherjee, P. Chidambaram, Veerappa Moily and Salman Khursheed-the Government has deliberately chosen its top legal arsenal to combat the legal firepower that the Bhushans and Hegde bring to the civil society camp-tried to play down the importance of the Lokpal Bill by arguing that it will not help provide basic education and health. That prompted a backlash from Hazare who said that Sibal should resign if he thought the bill was of no importance. Sibal remains on the committee. Establishing trust between the two sides is a serious challenge. Anna Hazare's praise

⁶⁷ Koane, John, *Civil Society : Old image New Visions*, 1998.

of NDA chief ministers Narendra Modi and Nitish Kumar for their honesty set alarm bells ringing in the Congress. Hazare is an apolitical figure who strongly condemned the Gujarat riots in 2002, but that hasn't stopped Congress party managers from spreading rumours about his links with the RSS and BJP. The Joint Committee faces the prospect of a long haul. If the Committee stalls, the Government faces the prospect of renewed mass protests.

The single biggest contribution of a Lokpal with teeth will be the demonstration effect it has on the corrupt. A significant number of high profile graft cases need to end in convictions.

The nation is fed up with corruption. There are enough laws and agencies-the Lokpal will be a welcome addition- to tackle corruption. What is needed is strong political will to let the agencies do their job, to let the law take its course, without delay. The political class needs to reform itself. It may be in its self-interest to do so. In Tamil Nadu, corruption is a major election issue. A recent India Today Opinion Poll had predicted that the incumbent DMK-Congress coalition, tainted by 2G, will be defeated. That prospect of further humiliation at the ballot box should prompt the UPA to act before it's too late.

Eminent lawyer Prashanth Bhushan on Sunday called for a constitutional amendment to institutionalise reforms for people's participation in the policymaking process and fighting corruption.

Delivering the 10th Narendran Commemoration Lecture on the 'Role of civil society in the fight against corruption,' organised by Friends of Narendran, a fraternal collective formed in memory of the late journalist, Mr. Bhushan said the time had come for civil society, mainly non-officials, to ensure due participation in the policymaking process to fight corruption. It was this pressure which prompted the Centre to constitute a joint drafting committee for the Lokpal Bill. But the Bill framed by the Centre could only be termed "promotion of corruption bill, 2011, or protection of corruption bill, 2011."⁶⁸

⁶⁸ Mauro, Paolo. Corruption and Growth, *The Quarterly Journal of Economics* (Aug 1995, Vol. 110, 3)

He said the Bill “primarily aims to deter and imprison complainants and provide immunity to corrupt government employees. It also intends to harass non-governmental organisations which take a stance against the government.”

Mr. Bhushan, a member of the Lokpal Bill joint drafting committee, said: “This does not mean that the government should accept the Jan Lokpal Bill drawn up by members of the civil society as such, but should make the sarkari Bill more structurally sound. The challenges in using technology for periodical referendums on local, State and national issues have to be addressed. People should go to Internet kiosks every week and participate in referendums on different issues to make democracy more participatory and meaningful. Otherwise democracy will continue to be an illusion.”

He said: “While the government Bill offers to give protection to the corrupt and easy ways to bail them out, the Jan Lokpal Bill has inbuilt safeguards to redress grievances and bring the guilty to book. If the government Bill is accepted, it will seal the scope for probe into major scams like the 2G spectrum that surfaces almost every day. The government control of investigating agencies like the CBI and the CVC has rendered them toothless, especially when the former is being used by the government to settle scores with its political foes. The CVC too has only powers to recommend action. The appointment system too has to be changed so that it will not remain pliable to the government. Such agencies should be brought under an independent body for better accountability.”⁶⁹

Corruption “does not mean taking or giving money alone. Public authority deflecting from public interest owing to a variety of reasons like conflict of interest, institutionalised corruption also comes within its ambit. Privatisation, in the guise of liberalisation or economic liberalisation, catalysed corruption in the country.”

“All such practices can be contained only through a strong independent agency with sufficient teeth,” the lawyer said.

4.20 Conclusion:

“Power corrupts and absolute power corrupts absolutely” Lord Akton's quote is absolutely correct for current Indian democratic phenomenon regarding corruption.

⁶⁹ Nayar, Kuldeep, Another People's Movement – Vol. 66 No. 29 Aug. 21. 2011

The supreme court of India also stated that the corruption is just like a cancer for Indian democracy. It is the biggest challenge for development. The culture of corruption has become well in entrenched in the society. The corruption is a main barrier for the accountability and effectiveness in Indian democratic, political, bureaucratic and social system. Now the time has come to pour the root of corruption by the appropriate acid for eradicate it. For this reference Right to Information Act is powerful weapon. We may fight against corruption by the proper use of Right to Information Act.

5. Data Analysis

5.1 Background

5.2 World view on corruption

5.3 Group wise view.

5.3.1 South Asian Association for Regional Cooperation (SAARC)

5.3.2 Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

5.3.3 G20

5.3.4 BRICS

5.4 India view on corruption

5.5 Scams in India

5.5.1 Zone wise number of scams

5.6 Case studies of zone-wise scams

5.6.1 National Rural Health Mission scam – NRHM (Uttar Pradesh)

5.6.2 Common Wealth Games scam- CWG (New Delhi)

5.6.3 Bellary mining scam (Karnataka)

5.6.4 2G Spectrum scam (Tamil Nadu)

5.6.5 MGNREGA Scam (Odisha)

5.6.6 Solar Scam (Bihar)

5.6.7 Adarsh Housing scam (Maharashtra)

5.6.8 State bank of Saurashtra scam (Gujarat)

5.7 Anti-corruption measures

5.1 Background.

Considering the current study it is inherent to take the world view into account on the issue of corruption. To explore this area the use of “Corruption Perception Index” (CPI) provided by Transparency International was accessed. Transparency International is an International Non-Governmental Organisation which has undertaken the responsibility to combat corruption. With over hundred countries participating with them they have been publishing the CPI providing a world view on the menace of corruption.

5.2 World view on corruption

As per the countries in the CPI are considered to reflect the world view in this section of the study. The countries listed here are those who have participated in the year 2005 and consistently provided the information for the year up-to 2011. The available data of the year 2005 ranking has been country-wise listed here. The consecutive data has been transposed into the respective study years to suit the relevant information country-wise.

Table 5.1 Year wise corruption ranking

S. No.	Country	2005	2006	2007	2008	2009	2010	2011
1	Iceland	1	1	6	7	8	11	13
2	Finland	2	1	1	5	6	4	2
3	New Zealand	2	1	1	1	1	1	1
4	Denmark	4	4	1	1	2	1	2
5	Singapore	5	5	4	4	3	1	5
6	Sweden	6	6	4	1	3	4	4
7	Switzerland	7	7	7	5	5	8	8
8	Norway	8	8	9	14	11	10	6
9	Australia	9	9	11	9	8	8	8
10	Austria	10	11	15	12	16	15	16
11	Netherlands	11	9	7	7	6	7	7
12	United Kingdom	11	11	12	16	17	20	16
13	Luxembourg	13	11	12	11	12	11	11
14	Canada	14	14	9	9	8	6	10
15	Hong Kong	15	15	14	12	12	13	12
16	Germany	16	16	16	14	14	15	14
17	USA	17	20	20	18	19	22	24

18	France	18	18	19	23	24	25	25
19	Belgium	19	20	21	18	21	22	19
20	Ireland	19	18	17	16	14	14	19
21	Chile	21	20	22	23	25	21	22
22	Japan	21	17	17	18	17	17	14
23	Spain	23	23	25	28	32	30	31
24	Barbados	24	24	23	22	20	17	16
25	Malta	25	28	33	36	45	37	39
26	Portugal	26	26	28	32	35	32	32
27	Estonia	27	24	28	27	27	26	29
28	Israel	28	34	30	33	32	30	36
29	Oman	28	39	53	41	39	41	50
30	UAE	30	31	34	35	30	28	28
31	Slovenia	31	28	27	26	27	27	35
32	Botswana	32	37	38	36	37	33	32
33	Qatar	32	32	32	28	22	19	22
34	Taiwan	32	34	34	39	37	33	32
35	Uruguay	32	28	25	23	25	24	25
36	Bahrain	36	36	46	43	46	48	46
37	Cyprus	37	37	39	31	27	28	30
38	Jordan	37	40	53	47	49	50	56
39	Malaysia	39	44	43	47	56	56	60
40	Hungary	40	41	39	47	46	50	54
41	Italy	40	45	41	55	63	67	69
42	South Korea	40	42	43	40	39	39	43
43	Tunisia	43	51	61	62	65	59	73
44	Lithuania	44	46	51	58	52	46	50
45	Kuwait	45	46	60	65	66	54	54
46	South Africa	46	51	43	54	55	54	64
47	Czech Republic	47	46	41	45	52	53	57
48	Greece	47	54	56	57	71	78	80
49	Namibia	47	55	57	61	56	56	57
50	Slovakia	47	49	49	52	56	59	66
51	Costa Rica	51	55	46	47	43	41	50
52	El Salvador	51	57	67	67	84	73	80
53	Latvia	51	49	51	52	56	59	61
54	Mauritius	51	42	53	41	42	39	46
55	Bulgaria	55	57	64	72	71	73	86
56	Colombia	55	59	68	70	75	78	80
57	Seychelles	55	63	57	55	54	49	50
58	Cuba	59	66	61	65	61	69	61
59	Thailand	59	63	84	80	84	78	80
60	Trinidad & Tobago	59	79	79	72	79	73	91

61	Brazil	62	70	72	80	75	69	73
62	Jamaica	64	61	84	96	99	87	86
63	Ghana	65	70	69	67	69	62	69
64	Mexico	65	70	72	72	89	98	100
65	Panama	65	84	94	85	84	73	86
66	Peru	65	70	72	72	75	78	80
67	Turkey	65	60	64	58	61	56	61
68	Burkina Faso	70	79	105	80	79	98	100
69	Croatia	70	69	64	62	66	62	66
70	Egypt	70	70	105	115	111	98	112
71	Lesotho	70	79	84	92	89	78	77
72	Poland	70	61	61	58	49	41	41
73	Saudi Arabia	70	70	79	80	63	50	57
74	Syria	70	93	138	147	126	127	129
75	Laos	77	111	168	151	158	154	154
76	China	78	70	72	72	79	78	75
77	Morocco	78	79	72	80	89	85	80
78	Senegal	78	70	71	85	99	105	112
79	Sri Lanka	78	84	94	92	97	91	86
80	Lebanon	83	63	99	102	130	127	134
81	Rwanda	83	121	111	102	89	66	49
82	Dominican Republic	85	99	99	102	34	101	129
83	Mongolia	85	99	99	102	120	116	120
84	Romania	85	84	69	102	71	69	75
85	Armenia	88	93	99	109	120	123	129
86	Benin	88	121	118	96	106	110	100
87	Bosnia & Herzegovina	88	93	84	92	99	91	91
88	Gabon	88	90	84	96	106	110	100
89	India	88	70	72	85	84	87	95
90	Iran	88	105	131	141	168	146	120
91	Mali	88	99	118	96	111	116	118
92	Moldova	88	79	111	109	89	105	112
93	Tanzania	88	93	94	102	126	116	100
94	Algeria	97	84	99	92	111	105	112
95	Argentina	97	93	105	109	106	105	100
96	Madagascar	97	84	94	85	99	123	100
97	Malawi	97	105	118	115	89	85	100
98	Mozambique	97	99	111	126	130	116	120
99	Serbia & Montenegro	97	90	79	85	83	78	86
100	Gambia	103	121	143	158	106	91	77
101	Macedonia	103	105	84	72	71	62	69
102	Swaziland	103	121	84	72	79	91	95
103	Yemen	103	111	131	141	154	146	164

104	Belarus	107	151	150	151	139	127	143
105	Eritrea	107	93	111	126	126	123	134
106	Honduras	107	121	131	126	130	134	129
107	Kazakhstan	107	111	150	145	120	105	120
108	Nicaragua	107	111	123	134	130	127	134
109	Ukraine	107	99	118	134	146	134	152
110	Vietnam	107	111	123	121	120	116	112
111	Zambia	107	111	123	115	99	101	91
112	Zimbabwe	107	130	150	166	146	134	154
113	Afghanistan	117	NA	172	176	179	176	180
114	Bolivia	117	105	105	102	120	110	118
115	Ecuador	117	138	150	151	146	127	120
116	Guatemala	117	111	111	96	84	91	120
117	Guyana	117	121	123	126	126	116	134
118	Libya	117	105	131	126	130	146	168
119	Nepal	117	121	131	121	143	146	154
120	Philippines	117	121	131	141	139	134	129
121	Uganda	117	105	111	126	130	127	143
122	Albania	126	111	105	85	95	87	95
123	Niger	126	138	123	115	106	123	134
124	Russia	126	121	143	147	146	154	143
125	Sierra Leone	126	142	150	158	146	134	134
126	Burundi	130	130	131	158	168	170	172
127	Cambodia	130	151	162	166	158	154	164
128	Congo Republic	130	156	150	158	162	154	154
129	Georgia	130	99	79	67	66	68	64
130	Kyrgyzstan	130	142	150	166	162	164	164
131	Papua New Guinea	130	130	162	151	154	154	154
132	Venezuela	130	138	162	158	162	164	172
133	Azerbaijan	137	130	150	158	143	134	143
134	Cameroon	137	138	138	141	146	146	134
135	Ethiopia	137	130	138	126	120	116	120
136	Indonesia	137	130	143	126	111	110	100
137	Iraq	137	160	178	178	176	175	175
138	Liberia	137	NA	150	138	97	87	91
139	Uzbekistan	137	151	175	166	174	172	177
140	Congo Democratic	144	156	168	171	162	164	168
141	Kenya	144	142	150	147	146	154	154
142	Pakistan	144	142	138	134	139	143	134
143	Paraguay	144	111	138	138	154	146	154
144	Somalia	144	NA	179	180	180	178	182
145	Sudan	144	156	172	173	176	172	177
146	Tajikistan	144	142	150	151	158	154	152

147	Angola	151	142	147	158	162	168	168
148	Cote d'Ivoire	152	151	150	151	154	146	154
149	Equatorial Guinea	152	151	168	171	168	168	172
150	Nigeria	152	142	147	121	130	134	143
151	Haiti	155	163	177	177	168	146	175
152	Myanmar	155	160	179	178	178	176	180
153	Turkmenistan	155	142	162	166	168	172	177
154	Bangladesh	158	156	162	147	139	134	120
155	Chad	158	156	172	173	175	171	168

(Source – Corruption Perception Index published by Transparency International, Berlin)

As per Table No 5.1 the consideration of the top most countries who have ranked number one during study period was analysed. It was observed that New Zealand had topped this position six times. Following was Denmark with topping this position three times. Further Iceland and Finland had been in this position twice. Sweden and Switzerland topped this position only once. The countries who were preceding ranked were Somalia which found itself four times with Chad, Haiti and Myanmar placed themselves once in the last of the rankings. Here India along with a few other countries stands in between 88 - 95.

5.3 Group wise view.

The present study has considered here India's role as a member state in various international groups. The groups are like SAARC, BIMSTEC, G20 and BRICS. Among these groups the representation of India is compared to its respective group members have been explored.

5.3.1 South Asian Association for Regional Cooperation (SAARC)

This group was formed in the year 1985 in Bangladesh, the capital city Dhaka. It is a geopolitical intergovernmental organisation of a select few South Asian countries. The composition of SAARC are countries like India, Pakistan, Bangladesh, Nepal, Bhutan, Sri-Lanka, Maldives and Afghanistan. The purpose of this organisation is for the promotion of regional integration and economic development. Not binding only within this group this organisation has maintained permanent

diplomatic relations as an observer with the United Nations and has multilateral links with the European Union.

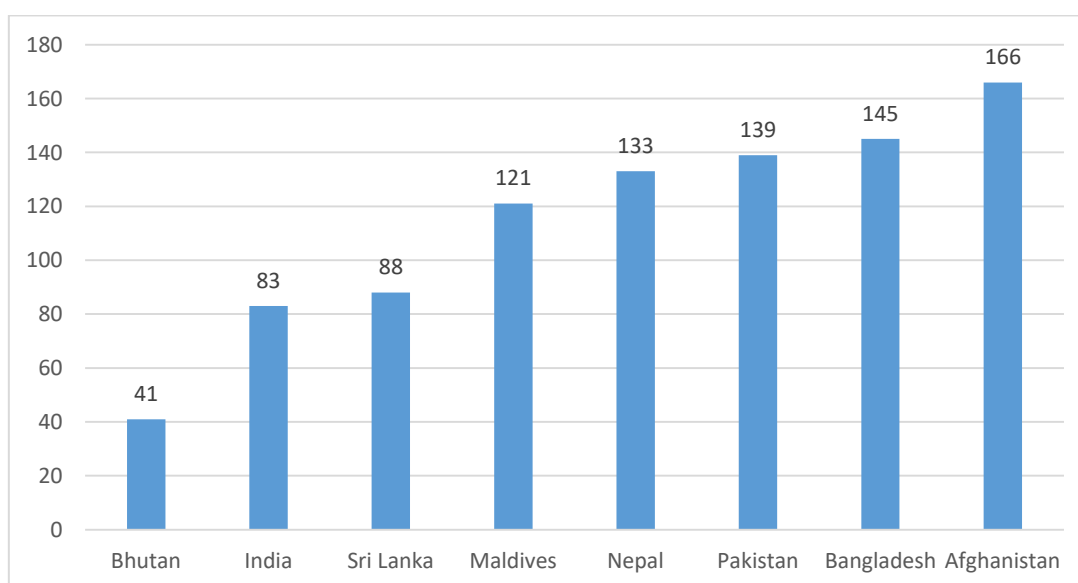
Table 5.2 CPI representation of SAARC members

S. No.	Country	2005	2006	2007	2008	2009	2010	2011
1	India	88	70	72	85	84	87	95
2	Pakistan	144	142	138	134	139	143	134
3	Bangladesh	158	156	162	147	139	134	120
4	Nepal	117	121	131	121	143	146	154
5	Bhutan	NA	36	46	45	49	36	38
6	Sri Lanka	78	84	94	92	97	91	86
7	Maldives	NA	NA	84	115	130	143	134
8	Afghanistan	117	NA	172	176	179	176	180

(Source – Corruption Perception Index published by Transparency International, Berlin)

Table 5.2 shows the trend of each of the SAARC member countries during the study period. It is observed that Afghanistan and Bangladesh are the only countries who have improved to cut down on corruption from the beginning to end of the study period. The rest of the SAARC countries reflect vice versa.

Figure No 5.1 Average CPI Ranking of SAARC members



(Source – Table 5.2)

Figure 5.1 displays the average of the corruption perception index ranking of the SAARC member countries. Of them Bhutan and Afghanistan are at the outlier

positions with lower to the higher level of corruption respectively. Maldives is in the median position among the SAARC countries. India and Sri-Lanka stands to be on the lower side while Nepal, Pakistan and Bangladesh is on the higher side within the said member countries.

5.3.2 Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

This group was formed in the year 1997 in Thailand, the capital city Bangkok. It is a international organisation of a seven South Asian and South East Asian countries. The composition of BIMSTEC are countries like Bangladesh, India, Myanmar, Sri Lanka, Thailand, Nepal and Bhutan all of which have nearness to the Bay of Bengal. The objective of this organisation is for mutual support and promotion of active collaboration in scientific, economic, technical and social fields. With a permanent secretariat in Dhaka, Bangladesh.

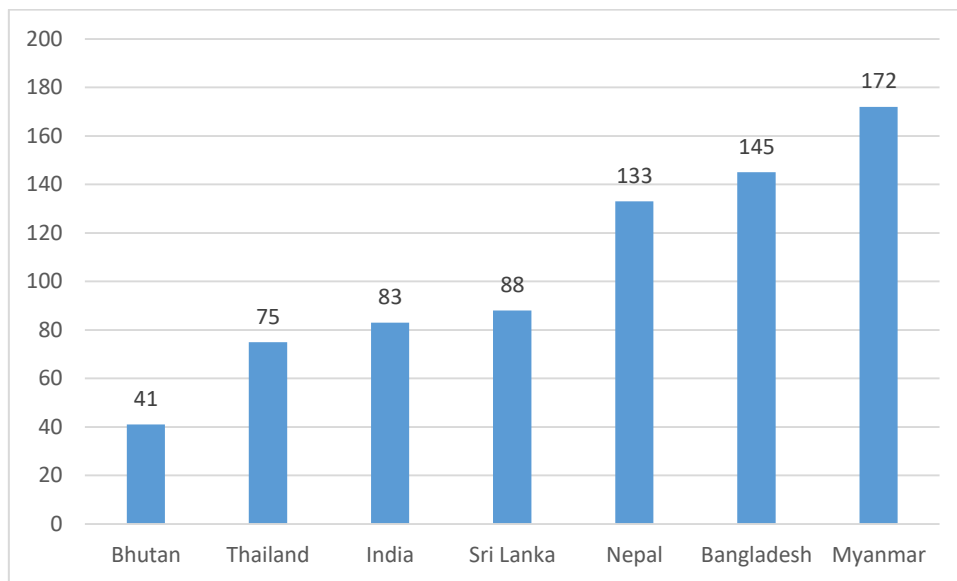
Table 5.3 CPI representation of BIMSTEC members

S. No.	Country	2005	2006	2007	2008	2009	2010	2011
1	Bangladesh	158	156	162	147	139	134	120
2	India	88	70	72	85	84	87	95
3	Myanmar	155	160	179	178	178	176	180
4	Sri Lanka	78	84	94	92	97	91	86
5	Thailand	59	63	84	80	84	78	80
6	Nepal	117	121	131	121	143	146	154
7	Bhutan	NA	36	46	45	49	36	38

(Source – Corruption Perception Index published by Transparency International, Berlin)

Table 5.3 shows the trend of each of the BIMSTEC member countries during the period of study. It is observed that Bangladesh is the only country which has improved to cut down on corruption from the beginning to end of the study period. The rest of the BIMSTEC countries reflect the trend vice versa.

Figure No 5.2 Average CPI Ranking of BIMSTEC members



(Source – Table 5.3)

Figure 5.2 displays the average of the corruption perception index ranking of the BIMSTEC member countries. Of them Bhutan and Myanmar are at the outlier positions with lower to the higher level of corruption respectively. Sri-Lanka is the median position among BIMSTEC countries. India and Thailand stands to be on the lower side while Nepal and Bangladesh is on the higher side within the said member countries.

5.3.3 G20

This group was formed in the year 1999. It is an international forum for the governments and the governors of the central bank of nineteen countries and the European Union. The composition of G20 are countries like America , Argentina, Australia, Brazil, Canada, China, European Union, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey and United Kingdom all of which have nearness to the Bay of Bengal. The objective of this organisation is for maintaining world economic stability using it as a forum for policy discussion.

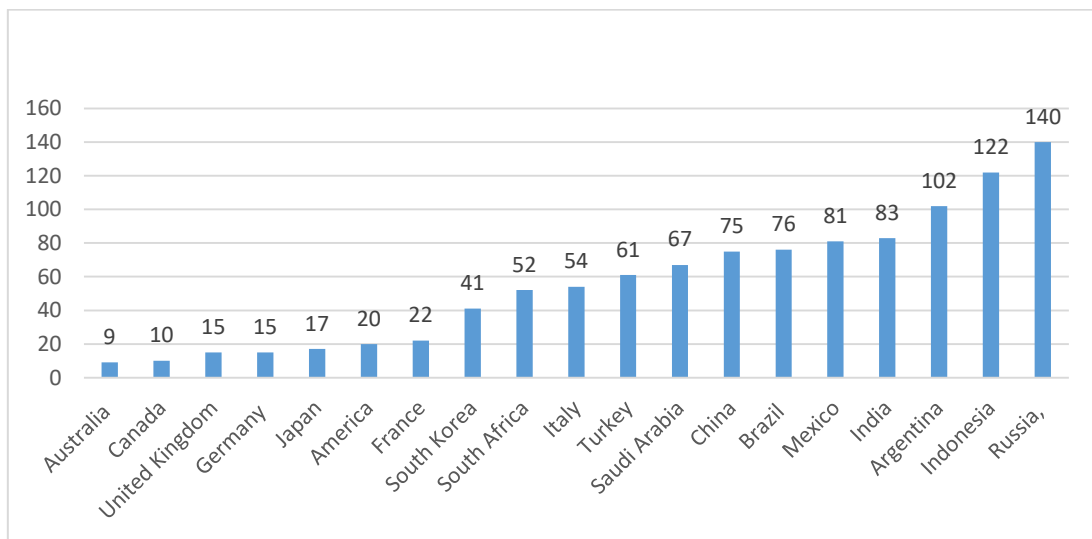
Table 5.4 CPI representation of G20 members

S.No.	Country	2005	2006	2007	2008	2009	2010	2011
1	America	17	20	20	18	19	22	24
2	Argentina	97	93	105	109	106	105	100
3	Australia	9	9	11	9	8	8	8
4	Brazil	62	70	72	80	75	69	73
5	Canada	14	14	9	9	8	6	10
6	China	78	70	72	72	79	78	75
7	France	18	18	19	23	24	25	25
8	Germany	16	16	16	14	14	15	14
9	India	88	70	72	85	84	87	95
10	Indonesia	137	130	143	126	111	110	100
11	Italy	40	45	41	55	63	67	69
12	Japan	21	17	17	18	17	17	14
13	Mexico	65	70	72	72	89	98	100
14	Russia,	126	121	143	147	146	154	143
15	Saudi Arabia	70	70	79	80	63	50	57
16	South Africa	46	51	43	54	55	54	64
17	South Korea	40	42	43	40	39	39	43
18	Turkey	65	60	64	58	61	56	61
19	UK	11	11	12	16	17	20	16

(Source – Corruption Perception Index published by Transparency International, Berlin)

Table 5.4 shows the trend of each of the G20 member countries during the study period. It is observed that America, Argentina, Brazil, France, India, Italy, Mexico, Russia, South Africa, South Korea and the United Kingdom saw an increased trend in the perception of corruption. On the other side Australia, Canada, China, Germany, Indonesia, Japan, Saudi Arabia, and Turkey saw a decreased trend in the perception of corruption.

Figure No 5.3 Average CPI Ranking of G20 members



(Source – Table 5.4)

Figure 5.3 displays the average of the corruption perception index ranking of the G20 member countries. Of them Australia and Russia are at the outlier positions representing lower to the higher level of corruption respectively. Italy is in the median position among the G20 countries. Canada, UK, Germany, Japan, America, France, South Korea and South Africa stands to be on the lower side while Turkey, Saudi Arabia, China, Brazil, Mexico, India, Argentina and Indonesia is on the higher side within the said member countries.

5.3.4 BRICS

This group evolved from 2001 to its present form in the year 2010. It is an international group for influencing regional affairs. As per the abbreviation it is the composition of Brazil, Russia, India, China and South Africa. The objective of this organisation is for the cooperation of several developmental projects, primarily within the member countries and extending their support to other countries as and when the need arises.

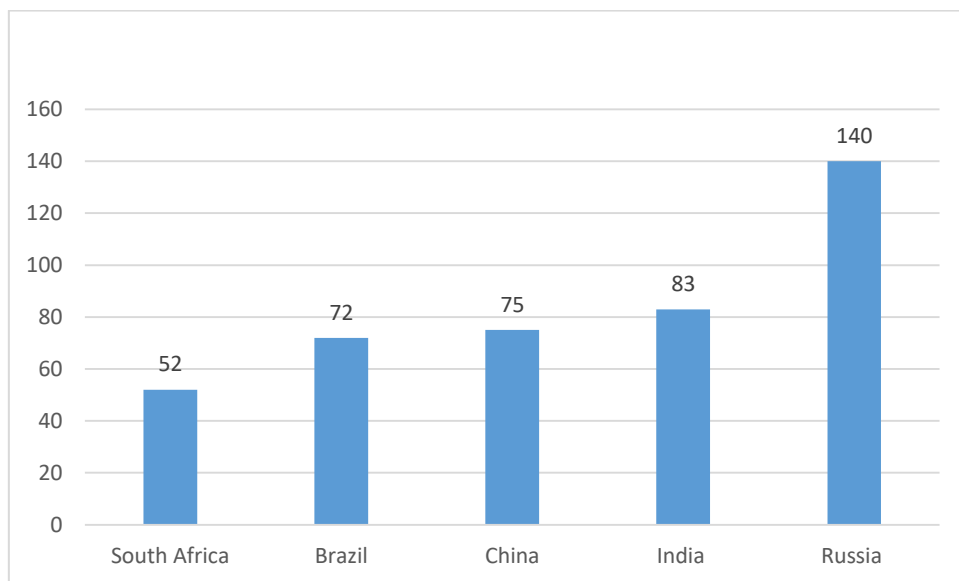
Table 5.5 CPI representation of BRICS members

S.No.	Country	2005	2006	2007	2008	2009	2010	2011
1	Brazil	62	70	72	80	75	69	73
2	Russia	126	121	143	147	146	154	143
3	India	88	70	72	85	84	87	95
4	China	78	70	72	72	79	78	75
5	South Africa	46	51	43	54	55	54	64

(Source – Corruption Perception Index published by Transparency International, Berlin)

Table 5.5 shows the trend of each of the BRICS member countries during the period of study. It is observed that China is the only country whose trend in the perception of corruption is declined. On the other side Brazil, Russia, India and South Africa saw an increased trend in the perception of corruption.

Figure No 5.4 Average CPI Ranking of BRICS members



(Source – Table 5.5)

Figure 5.4 displays the average of the corruption perception index ranking of the BRICS member countries. Of them South Africa and Russia are at the outlier positions representing lower to the higher level of corruption respectively. China is in the median position among the BRICS countries. Brazil stands to be on the lower side while India is on the higher side within the said member countries.

5.4 India View

India consists of 29 States and 7 Union territories. This study has attempted to look into the entirety of these units to explore their status within them. The data available was for the year 2005 and 2008 only. Even though both years' data was obtained the methodologies applied were different. For this study the researcher has converted the 2008 data to match the 2005 data for analysis.

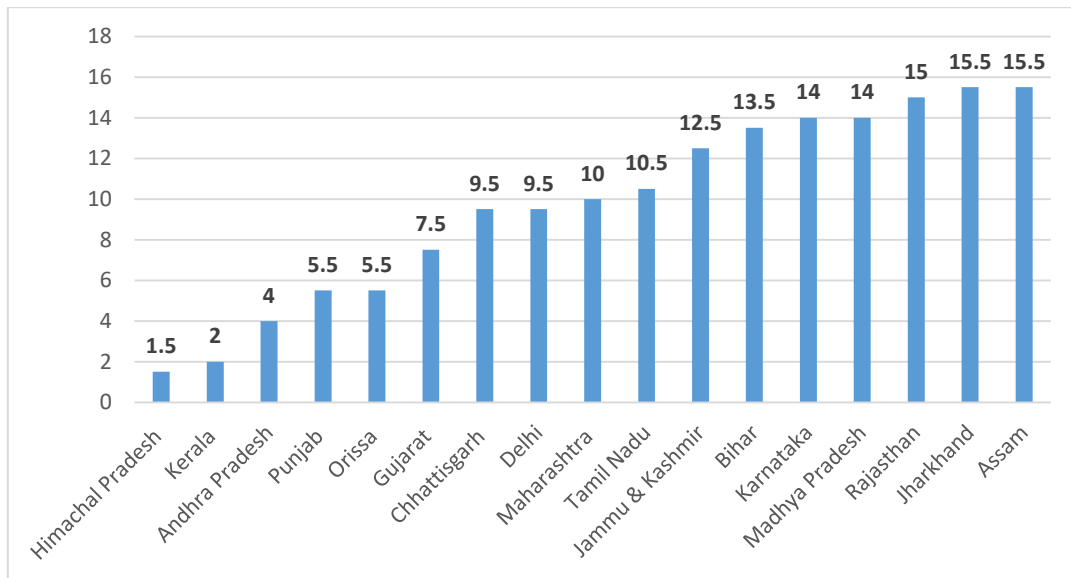
Table 5.6 Corruption perception State rankings

State	2005	2008
Kerala	1	3
Himachal Pradesh	2	1
Gujarat	3	12
Andhra Pradesh	4	4
Maharashtra	5	15
Chhattisgarh	6	13
Punjab	7	4
West Bengal	8	NA
Odisha	9	2
Uttar Pradesh	10	NA
Delhi	11	8
Tamil Nadu	12	9
Haryana	13	NA
Jharkhand	14	17
Assam	15	16
Rajasthan	16	14
Karnataka	17	11
Madhya Pradesh	18	10
Jammu & Kashmir	19	6
Bihar	20	7

(Source – Transparency International India)

Table 5.6 shows the trend of each of the states of India during the study period. It is observed that Kerala was at number one in 2005 and lost this position to Himachal Pradesh in 2008. Considering the last position in 2005 Bihar was ranked number twenty and Jharkhand took over this position in 2008 ranked seventeen. Overall some of the states improved and a few declined their position in their rankings.

Figure 5.5 Average States Ranking



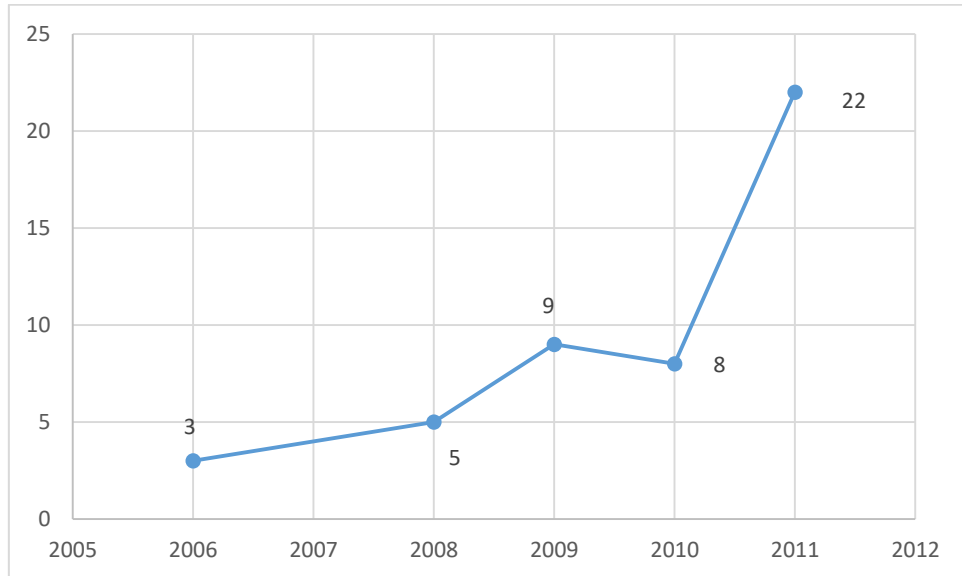
(Source – Table 5.6)

Figure 5.5 displays the average of the State ranking of India. Of them Himachal Pradesh and Assam lie at the outlier positions representing lower to the higher level of corruption ranking respectively. Maharashtra is standing in median position among the various States. Kerala, Andhra Pradesh, Punjab, Odisha, Gujarat, Chhattisgarh and Delhi stands to be on the lower side while Tamil Nadu, Jammu & Kashmir, Bihar, Karnataka, Madhya Pradesh, Rajasthan, Jharkhand and Assam is on the higher side within the States.

5.5 Scams in India

The above analysis discusses the macro picture of corruption in the world and in particular of India. Here this section attempts to look into the micro picture through the scams that have taken place during the study period. Even though corruption takes place in multiple areas the consideration of scams in specific has been taken into account based on the political implications that it influences. The total number of scams has been listed in the appendix section for view.

Figure 5.6 Number of Scams in the study period



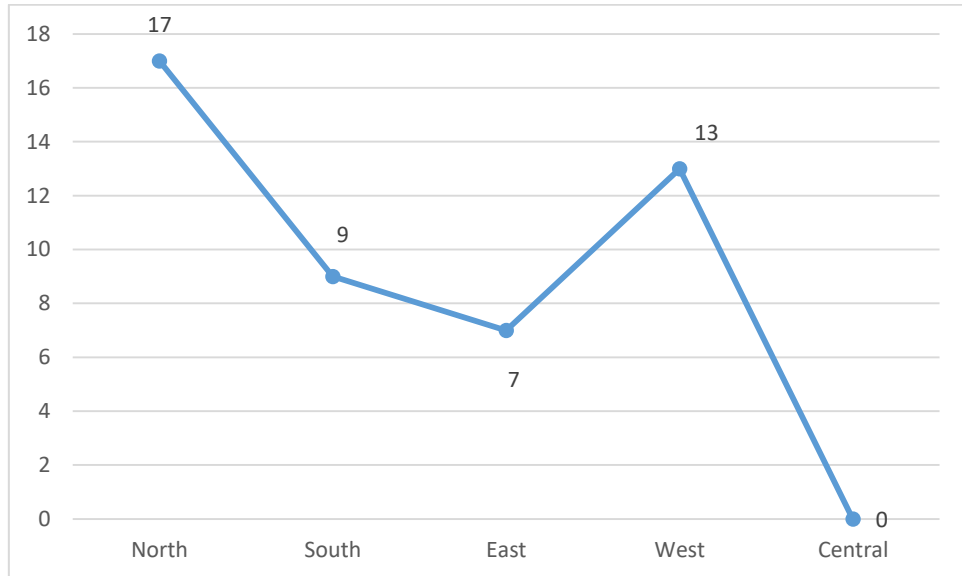
(Source – Wikipedia)

Figure 5.6 shows the various scams revealed during the study period of this research. Of the total forty seven scams the lowest number of scams were revealed during the start of this study period and the highest towards its end.

5.5.1 Zone wise number of scams

The imperative question poised here is to explore how number of scams have occurred zone wise in India. The zones considered are based on the non-overlapping geographical area of India viz. North, South, East, West and Central. The North zone states are Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh, Uttarakhand, Delhi, and Uttar Pradesh. The South zone consists of Kerala, Tamil Naidu, Karnataka, Telangana and Andhra Pradesh. The east zone entails of North East states, West Bengal, Orrissa, Bihar, and Jharkhand. The west zone contains Goa, Maharashtra, Gujrat and Rajasthan. The central zone comprises of Madhya Pradesh and Chhattisgarh.

Figure 5.7 Zone wise number of Scams in the study period



(Source – Wikipedia)

Figure 5.7 shows the number of scams zone-wise revealed during the study period of this research. Of the total forty seven scams the lowest number of scams were observed in the east zone and the highest was in the north zone. There were no scams reported in the central zone. It is to be noted that the LIC housing scam took place in multiple cities in India thus has been not considered under any specific zone.

5.6 Case studies of zone-wise scams

North Zone - To start with the state Uttar Pradesh and New Delhi lying in the north zone of India was considered for study. The National Rural Health Mission scam and the Common Wealth Games scam is being explored in this section of research study.

5.6.1 National Rural Health Mission scam – NRHM (Uttar Pradesh)

The NRHM was started in the year 2005 by the then United Progressive Alliance (UPA) government. The mission was launched to provide health services to rural areas particularly to eighteen states of India which had poor public health indicators. The alleged scam was unearthed in the year 2011. The said scam got revealed due to the un-natural death of two Chief Medical Officers (CMO) the senior health functionary of Gorakhnath area. Further some more persons related to the scam mysteriously died.

The NRHM scam was estimated to be of a massive sum of rupees 9000 crores. The Central Bureau of Investigation (CBI) apprehended PK Jain, Subhash Chaudhari, Katar Singh, BN Ram, JK Singh, Naresh Grover, Saurabh Jain, Sanjeev Kumar, Virender Goel, Neeraj Upadhyaya and RK Singh who were responsible for upgradation of 134 district hospitals. Further public sector officials former UP director general of family welfare SP Ram, former MD of UP Small Industries Corporation AK Bajpai, MD of Shreton India Limited GK Batra were also charge sheeted. Due to the pressure from the media the former Family Welfare Minister BS Kushwaha and Minister of health AK Mishra of the BSP government of UP was forced to resign on the grounds of this scam.

Around thirty four persons were found involved and the UP government had given an undertaking of action to the Allahabad High court in 2012.

5.6.2 Common Wealth Games scam- CWG (New Delhi)

This is an international multi sports event played between the athletes of the nations of the commonwealth. The CWG scam is related to the 2010 games conducted at New Delhi. For installing a Timing-Scoring-Result (TSR) system a contract was awarded to a Switzerland based company at an excessive amount of rupees ninety crores. The TSR contract was contested by two international companies MSL Spain and Swiss Timing. Even though the bids were to open on 4 November 2009 the announcement of awarding of the contract to Swiss Timing Company was done on 12 October 2009 breaking the protocol. This was a clear indication of bias of awarding the contract and smelled involvement of corruption.

With an estimated pilferage of around rupees seventy thousand crores this scam lead actor was the then chairman of the CWG organising committee Suresh Kalmadi. The Central Vigilance Commission (CVC) investigation revealed that there were several issues related to the conducting the CWG. Lack of compatibility in Tenders, delay in contracts execution, Payments to non-existing parties, excessive pricing, and misappropriation of funds existed in the investigation. Other than the chairman, businessmen, bureaucrats, and political leaders were found involved in the scam. Further Comptroller and Auditor General (CAG) report the then Chief Minister of Delhi Sheila Dixit and the son in law of the congress party president Smt. Sonia Gandhi, Robert Vadra was also implicated as parties to this scam. Bureaucrats Lalit Bhanot, TS Darbari, Sanjay Mahindroo, BS Lalli, RSP Sinha, SM Talwar, NK Jain and M Jaychandran were also found involved in the said scam.

Based on the CAG's findings on 23 August 2012 CBI filed a first investigation report (FIR) against AK Mattoo, Suresh Kalmadi and Lalit Bhanot and on 23 March 2014 had to pull back due to lack of evidence.

South Zone - The states of Karnataka and Tamil Nadu lies in the south zone of India which were considered for study. The Bellary Iron Ore and the 2G Spectrum scams are being explored in this part of the research study.

5.6.3 Bellary mining scam (Karnataka)

The Bellary mining scam was unearthed in the year 2011. It is to be noted that this region of Karnataka is extremely rich of iron ore. During this period there was a rise in global demand for iron ore. By paying a very miniscule amount of royalty to the government there was illegal mining of iron ore. This scam came into light when a huge consignment of thirty five lac tonnes of iron ore was seized at the Beleleri port being transported illegally.

The Karnataka Lokayukta investigation revealed to rupees two thousand crores loss of taxes to the State government exchequer. Further the report points out a loss of rupees twelve thousand two hundred twenty eight crores to the national treasury. But the CBI and the Karnataka Commercial Tax Department claims a loss of

one lac crore for the period 2006 to 2010. Prima facie the culprits the Reddy brothers of whom GK Reddy and GJ Reddy were cabinet ministers in the State Government of Karnataka were found involved. Even the then Chief Minister BS Yeddyurappa also milked the benefits from the scam by selling lands to this mining company at exorbitant prices. Also the then State Health Minister of Karnataka B Sriramulu was also found involved in the scam through the Obulapuram Mining Company which had evaded income tax of rupees eighty six crores and forty two lacs.

Up-to to the year 2017 most of the cases were pending due to cross interstate issues. The High Court of Karnataka has discharged GJ Reddy on basis of technicality and the Enforcement Directorate have decided not to take up the case to the Supreme Court of India. Even the then Chief Minister of Karnataka BS Yeddyurappa was released off the charges by the CBI trial court.

5.6.4 2G Spectrum scam (Tamil Nadu)

The allocation of spectrum as bandwidth for mobile telephone is auctioned in India as a matter of policy. Under this various companies are to bid for the licencing of the use of the bandwidth for operations of mobile telephony within the country. The scam came into light during the auctioning of the bandwidth for the 3G spectrum in the year 2010. This gave rise to the inquiry for the gross violation of allocation of 2G spectrum during the years 2007 to 2009. This was brought to notice by Subramanian Swamy a politician and activist by writing a letter to the then Prime Minister Dr. Manmohan Singh in the year 2008.

The 2G Spectrum scam was estimated by the CAG to be approximately of rupees one lac seventy six crores. The then former Information Technology (IT) Minister of the Union Government A. Raja who was from the Dravida Munnetra Kazhagam (DMK), Tamil Nadu, former telecom secretary Siddharth Behura, bureaucrat Pradip Baijal and A. Raja's private secretary RK Chandolia were involved in this scam.

Along with Subramanian Swamy a journalist Paranjoy Guha Thakurta who first reported this illegal activity, another main petitioner Prashant Bushan, JM Lyngdoh, TS Krishnamurthy and N Gopalswami all of them former chief election

commissioners and P. Shankar former CVC all came together to raise their voice against this scam. Consequently A. Raja was arrested by the CBI on 2nd Feb 2011 and was acquitted by the special court on 21st Dec 2017.

East Zone - The states of Odisha and Bihar lies in this zone of India which were considered for study. The MGNREGA scam and the solar scam are being explored in this part of the research study.

5.6.5 MGNREGA Scam (Odisha)

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) was implemented in the year 2005. The purpose of this Act was to provide guaranteed wage employment to adult people in rural areas throughout India for 100 days. The said scam took place in Jharigaon block of Nabarangpur district of Odisha in the year 2010. The interesting part was this block had been adjudged as best performer for implementation of the said program in the year 2009-10.

Of the rupees eleven crores twenty three lacs been spent around rupees seven crores was misappropriated using fake and false bills. The Centre for Environment and Food Security and NGO claimed large scale corruption in around hundred villages of the six districts of Odisha. With the doubt of the involvement of the then Block Development Officer, assistant and junior engineer, chairperson and clerk of the Jharigaon Panchayat Samiti were investigated with the initiative of Pradeep Majhi the then Lok Sabha member of parliament. The district vigilance committee found fake bills and bogus muster during their probe.

Under the direction of the Supreme Court of India the CBI investigated the scam. With the survey reports of CAG and National institute of rural development the issue was to be looked into.

5.6.6 Solar Scam (Bihar)

The distribution of solar lamps in the State of Bihar was undertaken for providing an alternative to villages where there was no electrifications. This lamp is a

potable unit with a battery built into it which can be charged using the sun light. This scam came into light in the year 2011. The village body heads (Mukhiyas) sourced these solar lamps from locally made sources instead of the government approved suppliers. Around seven thousand purchased solar lamps bills were found to be fake. Further even the solar panels used for charging the lamps were found not working.

In this scam a sum of rupees forty crores was found to be misappropriated. More than two hundred government officials and around two hundred and twenty seven Mukhiyas were found to be involved in this scam. The Chief Judicial Magistrate (CJM) court issued these arrest warrants for the Mukhiyas of Sitamarhi district.

Superintendent of Police Rakesh Kumar Rathi of said district took action on the FIR and arrest warrant.

West Zone - The states of Maharashtra and Gujarat lies in this zone of India which were considered for study. The Adarsh and the Saurashtra State Bank scams are being explored in this part of the research study.

5.6.7 Adarsh Housing scam (Maharashtra)

The Adarsh housing scam was unearthed in the year 2010. This is a housing society built for the war widows and defence personnel. It is constructed on prime location in Colaba, Mumbai. For several years people responsible for the execution of this project bent several rules for their profit. Fake membership, manipulation of floor space index, land ownership and zoning rules were grossly violated. The modus operandi was to get the flats in this premium society at below marked prices in their names.

The said scam was estimated to be of rupees eighteen thousand nine hundred and seventy eight crores. The investigation by the judicial commission and CAG report it was brought to notice that twenty five illegal allotments of which twenty two were made in proxy names. The involvement of former four Maharashtra Chief Ministers Shivajirao Nilangekar Patil, Sushilkumar Shinde, Ashok Chavan and

Vilasrao Deshmukh further two former Urban development Ministers of Maharashtra Sunil Tatkare and Rajesh Tope along with twelve bureaucrats were also exposed . Several government agencies like the Enforcement Directorate (ED), Income Tax Department (IT) and CBI were put into action.

The immediate reaction of this scam was the resignation of the then Maharashtra Chief Minister Ashok Chavan. The CBI arrested eight persons in connection with this scam. Two retired Major Generals AR Kumar and TejK Kaul, former General Officer Commanding(GOC) of Maharashtra,Gujarat and Goa, retired brigadier MM Wanchoo, Pradeep Vyas, the then city collector and finance secretary (expenditure) in the Govt. of Maharashtra and Adarsh promoter Kanhaiyalal Gidwani were detained .

5.6.8 State bank of Saurashtra scam (Gujarat)

This scam was brought into light in the year 2008. This was a subsidiary bank of the SBI. Originally named as Bhavnagar Darbar Bank in the year 1902 in the princely state of Saurashtra, Gujarat. This scam was detected by the Reserve Bank of India from the Bhavnagar branch of the said bank under investigation. The misappropriation of cash which was withdrawn in instalments from the currency chest was the main cause of this scam. The amounts were taken out using withdrawal slips and not depositing the money submitted it in the bank by a current account holder.

The scam involved an amount of rupees ninety five crores and forty lacs. The Head cashier Kirit Purohit was found guilty by RBI investigation and a case of cheating and fraud was filed against him. This scam came into light after seven months of the merger with the SBI in August 2008.

A case was registered under various sections 409, 403, 420, and 406 of the Indian Penal Code (IPC) against the head cashier.

5.7 Anti-corruption measures

One of the core anti-corruption measures law enacted is the Right to Information Act in 2005. Other anti-corruption measures suggested are citizen's charter, Lokayukta, protection of whistle-blowers, Awareness campaigns and the Citizens report cards to

be published in the public domain. Further Madhya Pradesh enacted the Public Service Guarantee Act in 2010 and a few other States followed suit.

Table 5.7 Index of measures against corruption

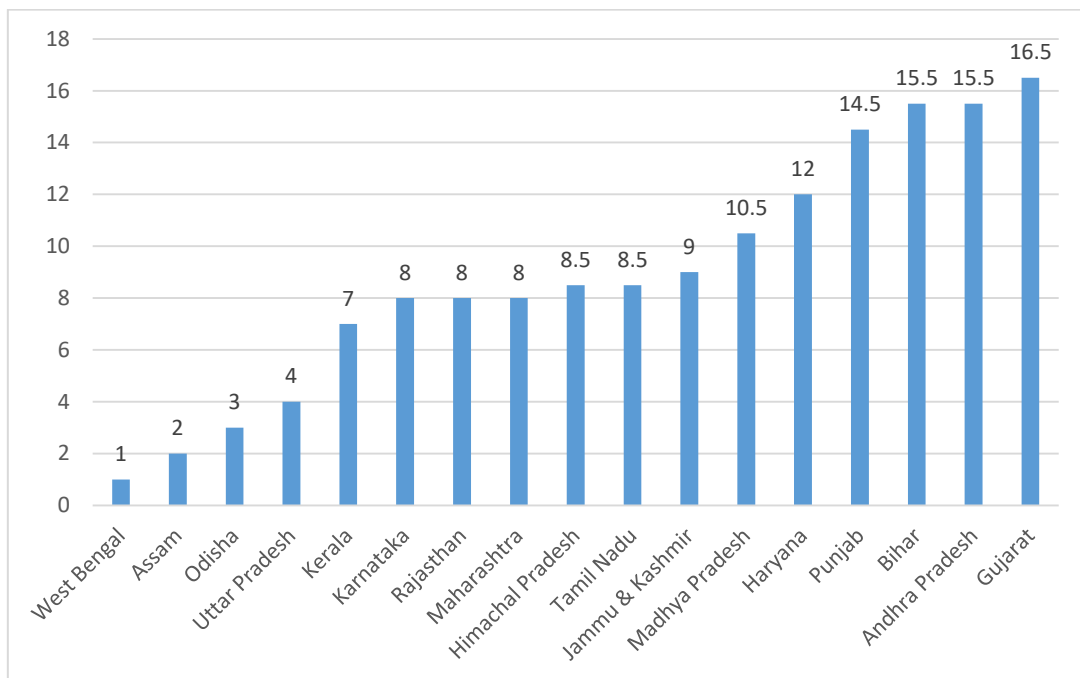
States	2001-05	2006-10
West Bengal	1	1
Assam	2	2
Odisha	3	3
Uttar Pradesh	4	4
Jammu & Kashmir	5	13
Karnataka	6	10
Kerala	7	7
Himachal Pradesh	8	11
Tamil Nadu	9	8
Rajasthan	10	6
Maharashtra	11	5
Haryana	12	12
Madhya Pradesh	13	9
Bihar	14	17
Punjab	15	14
Andhra Pradesh	16	15
Gujarat	17	16

(Source – World Financial review¹)

Table 5.7 shows the trend of anti-corruption measures adapted by each of the states of India during the study period. It is observed that West Bengal was at number one in the entire period of study. Considering the last position Gujrat was ranked number seventeen up-to 2005 and Bihar took over this position further up-to 2010. Overall some of the states improved and a few declined their position in their rankings.

¹ <https://archive.is/20130209132023/http://www.worldfinancialreview.com/?p=1575>

Figure 5.6 Average States Index of measures against corruption



(Source – Table 5.7)

Figure 5.6 displays the average of the anti-corruption measures of State ranking in India. Of them West Bengal and Gujrat lie at the outlier positions representing lower to the higher level of anti-corruption measures ranked respectively. Himachal Pradesh is standing in median position among the various States. Assam, Odisha, Uttar Pradesh, Kerala, Karnataka, Rajasthan and Maharashtra stands to be on the lower side while Tamil Nadu, Jammu & Kashmir, Madhya Pradesh, Haryana, Punjab, Bihar and Andhra Pradesh is on the higher side within the States.

Summary

In this chapter the study covered world view and India view on corruption. An international group wise view and State wise view within India has also been covered. A case study exploring through the various zones where scams took place throughout India were undertaken happened during the study period. Two scam cases representing each zone was considered in this study. Finally the anti-corruption measures were briefly analysed.

6. Conclusion

6.1 Introduction

6.2 Suggestions

6.3 Conclusions

6.1 Introduction:

Corruption is perceived to be an issue concerned to economic business. But in fact corruption is fundamentally related to the ethical behavior of an individual and society culture at large. As per the Santhanam committee report of 1964 corruption means a selfish interest of the government's administration. Corruption encompasses not only the government sector but also the private segments. Abuse of power by authorities, accepting and giving of bribes, unethical behavior, in discipline are some of the reasons for corruption. As per Oxford dictionary even translation of books from or into different languages are also considered to be a sort of intellectual corruption. Crime is committed by any person or group when they circumvent the law. The issue of corruption also undergoes a similar situation as it is an inherent quality of humans to accumulate wealth either by legal or illegal means. In India the corrupt are perceived to be heroes and even highlighted by the media. A few examples are people like Harshad Mehta infamously called as "The Big Bull", Vijay Mallya as playboy etc.

An effort to contain corruption in India the Lokpal project was being explored for the past forty two years. The researcher has searched the various aspects of corruptions and presented the outcome as per the objectives of this study.

6.2 Suggestions:

Finding - Gram Sabha should be Supreme

As per the federal political system accepted by India the parliamentarians at the central and state levels have the supreme authority to pass laws for the betterment of their

respective administration of the people. Similarly at the Gram Panchayat level we have the Gram Sabhas the villagers of that village are called upon by the village head known as “The Sarpanch” for conducting the Gram Sabha which is the supreme authority to take the policy decisions for the development of the village society. Even though this concept remains on paper the Gram Sabha does not effectively implement their opinions as it is mostly ruled by the Sarpanch. Here as the power is deemed to be vested in the hands of the Sarpanch the issue of corruption gets concentrated into a few hands which is systematically manipulated.

Several Gram Panchayats are administered by a District Administrator who is located in a city away from these villages. This proximity results into only taking up complaints that reaches the District Administrator’s office. At the Local Self Government (LSG) level the ruling party has control over the District Administrator and in the event of such complaints the Sarpanch belonging to that party benefits of those complaints ignored or set aside by the District Administrator.

The link between the village and district administration is a Block Development Officer (BDO). This person if corrupt further manipulates a situation to their benefit either in coherence with the Sarpanch or sometimes forcing them to cooperate for doing corruption. This lead to the siphoning of government funds and the infamous words “Do as directed” which means else appropriate action will be taken becomes the rule for the parties involved for corruption.

Suggestion

Following steps may be initiated for making the administration of the villages corrupt free.

- a. All decisions taken in the Gram Sabha which is a recorded document (Minutes) must be made public and the Gram Sewak should be held responsible for the lack implementation of the decisions.
- b. The Sarpanch of the respective village need to declare their assets and liabilities along with his sources of earning before the contesting the elections.
- c. At the village level the Gram Sabha should have the final say in case of taking action against a Sarpanch.

- d. Right to recall a Sarpanch should be the norm to be implemented at the village level.

Finding - Projects on Village level should be under villages

Present administrative system creates confusion regarding jurisdiction of works, resources and institutions for the implementation of various projects in the villages for development.

Suggestion

A clear bifurcation of the projects whether LSG, State or Central government project need to be highlighted for the clear understanding and involvement of the villagers. At the appropriate government level the information should be passed on in case there are lacunas found in these projects. Awareness campaigns need to be conducted before the implementation of such projects in the respective villages.

Finding - Regulation of Government employees

The general perception of the public at large is that the government employees cannot be punished due to their indulgences in corruption.

Suggestion:

- a. Appropriate levels of the executive should be associated by the respective participation from the general public as volunteers so as to keep their community informed about the various administrative and developmental activities.
- b. A special emphasis should be given for the participation of respective villagers at the Panchayat level for their active participation in the administration and join as volunteers either paid or non-paid.
- c. In case of a corrupt government employee the Panchayat should have a say for the quick action to be undertaken by the respective administration.

- d. As the situation arises within a specific village of corruption by the essential commodity dealer like kerosene, food grains, gas etc. the Gram Sabha should have the complete right to suspend or revoke their license for business.
- e. Priority should be given to the say of the Gram Sabha in case of erring government officials at the village level for their punishment.

Finding - Regulation of government funds:

Most of the development plans are prepared on preliminary studies and estimates. This creates situations of either abandonment of projects or for corrections in them. Thus it increases the avenues of corruption.

Suggestion:

- a. With the involvement of experts and knowledgeable persons from the village in that specific domain a group may be formed for the implementation and drawing out the development plans at the respective regional level.
- b. The further exploration of the Kerala model of 40% of its annual budget funds directly given to its Gram Panchayat should be implemented with appropriate changes in similar states of India.
- c. As per the demographics of each region the funds may utilized appropriately for the welfare of the community proportionately.

Finding - Regulation of funds at Block and District level

Currently the LSG administration disburses the funds at the Block and District levels for all the projects implements in the villages. Hence as the Gram Sabha has little say in these matters.

Suggestions:

- a. As per the implementation of village projects the respective Gram Panchayat with the knowledge of Gram Sabha has to give certain monitoring powers for the betterment of the development of their village along with a citizen's charter.
- b. When implementing development projects for several villages together, at least more 50% of these villages should give their approval.
- c. At the appropriate levels of LSG the fundamental unit i.e. the Gram Panchayat has to be involved with approvals of specific matters and a few may be exempted for the Sarpanch to be undertaken for the smooth working of the administration.

Finding - Direct regulation of policy formation and state assemblies

The general perception of the citizens in India is that the respective governments pass laws that are gainful for the national and international business houses that are against the adapted socialist structure for administration.

Suggestions:

- a. In the condition of formulating or regulating a development policy the suggestions given by five percent of the Gram Panchayats in a specific Block has to be considered by the upper administration and a motion for endorsement of more than fifty percent Gram Panchayats should be considered when deemed fit.
- b. A process needs to be initiated for the systematic reform to be undertaken to bring the central and state administrative structure to the grass root levels.

Finding - Right to information by the Gram Sabhas

Decisions taken by the Central and State governments have direct impact on the lives of their citizens.

Suggestions:

A general awareness campaign needs to be undertaken for the understanding of the Right to Information Act, which will help the villagers to access apt information about certain development projects which affect their lives.

Finding -Regulation of the panchayat secretary

The executives of the government at the village level has little or no knowledge of the places they are recruited for. This in turn make them dependent on the Sarpanch for even small things for their survival. It makes the conditions favorable for collusion for corruption.

Suggestion:

To separate the government executives from collaborating with the concerned local persons, certain needed facilities like bank, post offices, residential quarters in particular etc. should be provided if possible in a common premises within the village or local area.

Finding - Issues of corruption in panchayats:

Two prominent observation:

- a. It is been observed that the government itself self certifies all the work undertaken for its various agencies for the welfare projects for its citizens.
- b. Several government agencies monitoring or inquiring about malpractices in the development projects, help hide corruption.

Suggestion:

- a. Also a social auditⁱ has to be conducted for the various development projects at the appropriate level.

- b. In case of reported malpractices an independent non-governmental reputed agency should be appointed for its inquiry.

Finding - Alcoholism in Villages:

The influence of affiliated persons of various political parties who recommend their favorable persons for getting liquor shop license creates chaos in the village life in particular.

Suggestion:

All liquor shop licenses to be issued in their respective jurisdictions should be given after the passing of resolution of the Gram Sabha. This is proposed in contravention to the current practice of post intervention of control of alcoholism in the villages in particular.

Finding - License for Industry and mining:

Issuing licenses to various industries for mining etc. causes adverse effect on the environment and the people residing in those areas. The corrupt authorities team with the politicians to achieve without the say of the public at large.

Suggestion:

The permissions to grant licenses to industries should be granted only after the consent of the Gram Panchayats were the industry is being established. In the event of the violation of the specified terms and conditions by the industry whenever brought to notice by the Gram Panchayat the licenses should be cancelled within a stipulated term of 30 days.

Finding - Land acquisition:

State agencies procure land with little consideration of the persons depended on it. The compensation goes to the land owner who is converted to a mere worker thereafter.

Further the land laborers faces unemployment as they are unskilled in other work other than traditional farming. Many a times the land accusation is done under duress which forces the aggrieved persons to turn to violent protests and also join anti-social groups.

Suggestion:

To cater to the larger needs of the country there should be a national framework for acquisition of land as a government policy for development. The considerations of regional and local needs should be a part of this framework.

Finding -Land records:

Tampering of land records by government officials have been happening since long. This has specific relevance to village land records. Due to corrupt officials in collusion with land mafia they even go to the extent of selling of the government lands using illegal means.

Suggestion:

All land records pertaining to a specific village or area should have an updated copy of any change in the title of the records at the respective levels within a specified time frame. Possibly all land records should be digitized and available online.

Finding - Regulation of natural resources:

Historically in India the natural resources like forests, water bodies and minerals were considered the wealth of the local community. As the British conquered India they started exploiting the natural resources overlooking the regional need and ignoring the impact on biodiversity. This approach has not changed even after independence. The administrative structure still largely remains the same.

Suggestion:

Regional communities and local bodies should be involved into the decision making process of exploiting the natural resources of any specific areas. The consideration of

losing traditions should also be a marker point before making the necessary decisions in this matter. Any violation of norms or rule mutually accepted should be dealt with speed and vigor.

Finding - Corruption in Government offices

Several government agencies providing services to the citizens have a late back attitude while serving its duty towards the needy. This leads to corruption on a large scale as the citizen has no other option but to pay bribe to these concerned officials through middle men for various services like income certificate, driving licenses etc.

Suggestion:

All of the required public services should be made available online. Awareness and training should be given to as many persons as possible. This can be implemented using educational institutions. All identity documents for example ration card, licenses, pan card etc. should be incorporated all into the Aadhar card.

Finding - Collection of taxes:

Traditionally the villages of India were economically self-reliant. After the several foreign invasions these rulers started extracting revenue from the villages for their benefit. This broke the traditional system of village economic independence and started an era of two tier system. Further after independence a three tier system came into being. This alienated the citizen of their control on the resources and common capital. This type of system gave the decision powers into few hands further complicating the matters.

Suggestion:

Considering the past Indian revenue system the decentralization of capital should be implemented rapidly throughout the nation. This will benefit the regional and local bodies for decision making. The report cards for all projects should be displayed on year to year basis as similar to the budget. Awareness campaign regarding project expenses should be

taken to the public aggressively for their active participation.

Finding - Transparency in functioning

Even though the Right to Information Act has provide the citizens the requisite information on a reasonable scale there has to be more improvements in this area. The citizens feel isolated about the government authorities' decision making process which in turn creates distrust among them.

Suggestion:

The Right to Information Act need to be more efficient in particular of displaying all the necessary documents in public domain in faster mode than prescribed in the Act. Legal literacy campaigns need to be undertaken on a large scale in particular in the villages to make the citizens aware about their rights and duties.

Finding - Interference of the state government

The perception of the citizen is that there is extreme interference by higher authorities of the state and Centre into their day to day affairs. This gives avenues of over burdening of administrative paper work. Thus multiple times directives are received from the higher authorities as apt information is not provided. This is further fueled by the local political interference in the working of the executive.

Suggestion:

Civic education needs to be given to the citizens not only on the theoretical level but also on the practical level. Participation of some citizens as volunteers into the working of the executive will help communities understand administration. Educational posters should be displayed in public places about the various administrative process and procedures.

6.3 Conclusions

The systematic beginning of the anti-corruption policy in India can be seen with the evolution of “The Lokpal and Lokayuktas Act, 2013”. This Act will specifically look into the corruption cases against all the three organs of the government, i.e. Legislature, Executive and the Judiciary. At the state level the Lokayuktas will look into the cases of corruption against the employees of the respective state. Even though the Act came into force in the year 2013, yet the implementation pan India seems a distant dream.

Considering the situation of the villages presently there are a few places where the local resources have been given to respective local communities for their sustenance and care. A similar approach need to be undertaken for the urban areas in India. For the efficient implementation, policy guidelines need to be formulated based on the best practices. Media coverage of specific novel outcomes of this approach need to be highlighted for motivation.

To quote an example the Resident Welfare Associations (RWA), Delhi which reflects the model of public participation in the administration along with the executive to prioritize their need to be attended to. The work can be seen prominently in the areas of Trilokpuri and Sundarnagri in Delhi. The efficient way of allocating the budgetary fund of specific domains i.e. water, health, education etc. are decided in these meetings by the people. The Executive head of Delhi, The Lieutenant Governor of Delhi has even directed the state officials like the Municipal Commissioner, Police officers to participate in these meetings for speedy action. A model draft of guidelines has been put up for the smooth working of these associations.

Making law are not the prime solution to control corruption in society. To curb corruption the larger section of society need to follow the spirit of law and the rule follows it. The work undertaken by various agencies and the people who executes the projects have to do it with patriotism. Corruption and corrupt persons should be never be considered important and infact should be looked down upon in society.

ⁱ Kulkarni Avinash, (2012), Nibhandutsav, Pg- 59

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List of Scams

1. Bellary mining scam/Belekeri port scam
2. Uttar Pradesh NRHM scam
3. LIC housing loan scam
4. NTRO scam
5. Goa mining scam
6. Bruhat Bengaluru Mahanagara Palike scam
7. Himachal Pradesh HIMUDA housing scam
8. Pune housing scam
9. Pune land scam
10. Orissa pulse scam
11. Kerala investment scam
12. Mumbai Sales Tax fraud
13. Maharashtra education scam
14. Maharashtra PDS scam
15. Uttar Pradesh TET scam
16. Uttar Pradesh MGNREGA scam
17. Indian Air Force land scam
18. Bihar Solar lamp scam
19. BL Kashyap – EPFO scam
20. Assam Education scam
21. Pune ULC scam
22. ISRO's S-band scam
23. Delhi CWG scam
24. Karnataka land scam
25. Adarsh Housing scam
26. Uttrakhand Citurgia land scam
27. 2G Spectrum scam
28. Chandigarh booth scam
29. Odisha illegal Mining Scam
30. Orissa MGNREGA scam
31. Gujarat Snoopgate Scandal

32. Goa Special Economic Zone (SEZ) scam
33. JVG Scam : Sainik Farm land baron V K Sharma.
34. Rice export scam
35. Orissa paddy scam
36. Sukhna land scam – Darjeeling
37. Vasundhara Raje Deendayal Upadhyaya Trust land scam
38. Austral Coke scam
39. Gujarat's VDSGCU Sugarcane scam
40. Hasan Ali black money controversy
41. State Bank of Saurashtra scam
42. Army ration pilferage scam
43. Paazee Forex scam
44. Cash-at-judge's door scam
45. Penny stock scam
46. Punjab city centre project scam
47. Uttar Pradesh ayurveda scam