

Workshop on Fighting Corruption 8th December 2010

Backdrop

Coalition Against Corruption (CAC) completed five years of successful existence fighting of corruption. Started in December 2005, CAC is a consortium of six civil society organisations (CSOs) from Bangalore – Public Affairs Centre, Swabhimana, CREAT, Consumer Care Society, AVAS and Karuna Trust. In order to celebrate the 5th anniversary, CAC organised a workshop on Fighting Corruption on 8th December 2010 as a precursor to International Anti-Corruption Day on 9th December.



Justice M. Venkatachalaiah, former Chief Justice, Supreme Court of India and Chairperson, Board of

Governors, PAC, Justice Santosh Hegde, Lokayukta, Dr. Ajai Kumar Singh, IG & DGP, Karnataka, Mr. Kuldip Nayar, eminent journalist, Mr. Vinay Bhargava, PTF Member, Dr. Samuel Paul, founder, Public Affairs Centre have participated in the inaugural function. Mr. Ravi Prakash, Programme Manager, PAC welcomed the dignitaries on stage and requested the guests to sign a pledge saying “We pledge to fight corruption” as a way to inspire other people. Later on the same pledge was signed by all the people who attended the workshop.

After the signing of pledge, Justice M. Venkatachalaiah released the new brochure of Coalition Against Campaign (CAC) and handed over the first copy to Mr. Ajai Kumar Singh.

Session-I: Inaugural Session

Justice Hegde in his speech bewailed that there are many hurdles in fighting corruption. He drew attention to one such hurdle coming in the form of Section 19 of Prevention of Corruption Act. According to this section, the permission of a superior officer is needed to be obtained in the case of filing a charge-sheet against a government officer or ministers. Arguing that this process has serious ramifications in fighting corruption, Justice Hegde, illustrated that Chief Ministers like Laloo Prasad Yadav were able to go scot-free because of this section. Further, he lamented that this Act covers only two cases against public services – 1. Taking bribe; 2. Amassing wealth disproportionate to the known sources of income. At the same time the Act doesn't talk about the nexus between taking bribe and discharging duties as a public servant.



Questioning the need for a sanction to prosecute a public servant, he expressed grief that for the same offence a sanction is not required to sanction a common man.

He drew attention to the fact of ever increasing corrupt activities, while there is a decline in the acts and policies made to prevent corruption. He argued that the corrupt are escaping only through the loopholes available in the law. Citing the 2008 amendment passed in the parliament to the Prevention of Corruption Act, 1947, he said the amendment made it further difficult to prosecute public servants. He called in for the absolute overhaul of judicial system as a case is taking at least 8-10 years to reach its logical conclusion in Karnataka after filing a charge-sheet. This long process, he felt is the main reason for low conviction rates in Karnataka, which is only 20-25 per cent pertaining to Lokayukta cases. Justice Hegde opined that if a person found guilty of corruption is punished immediately than it would have cascading effect on other officers.



Dr. Paul in his opening remarks recalled nostalgically the day when Justice Venkatachalaiah inaugurated the Coalition Against Corruption (CAC) five years back. He opined that fighting corruption is not an easy task as people show initial enthusiasm. Saying that many movements fade out after initial enthusiasm, he congratulated CAC for not only surviving five long years, but also for making an effort in fighting corruption in Karnataka in general and Bangalore in

particular. Although CAC was unable to solve all the problems and could do little, he attributed this to low level of public awareness. In the future, he called upon CAC to increase public awareness through various campaigns and encourage them to come forward and fight against corruption. He further suggested that CAC should share its knowledge with others, while also learning from others at the same time from experiences around the world.

He felt that CAC has been fighting corruption in the form of fire fighting, in other words, only responding to the issues and situations rather than fighting corruption more pro-actively. He urged for addressing the basic issues rather than adopting a fire fighting approach. If not, as a consequence, he argued would only result in more fire fighting rather than solving problem at its roots. He opined that in general our society favours more of reciprocity rather than rule of law. This in his opinion is only abetting corruption in our system. He opined that as a society we pursue our private interest and private goods rather than having public concerns. He appealed that we need to address these basic issues in our fight against corruption.



The reforms he felt need to be started at the political party level. Arguing that we often boast about our growth rates by comparing with other countries, he felt lack basic concerns on issues like corruption. There is a need to empower people with regard to basic information about their rights and entitlements. He drew attention to the reforms in judiciary citing the examples of Maddock in the USA and Ramalinga Raju in India. While Maddock was sentenced to jail and his property recovered Raju is yet to be punished. Wishing the CAC successful future, he concluded his remarks.

Mr. Vinay Bhargava, Member, Partnership Transparency Fund (PTF), Washington in his speech shared the international practices in fighting corruption. Introducing PTF, he said that he and his colleagues at PTF share the same concerns as Coalition Against Corruption. Stating some initiatives at the international level to fight cross-border and international level, however, he felt that the process is slow like the Indian judicial system. He gave the examples of Transparency International (TI) and Partnership Transparency Fund (PTF). He explained the process of cooperation with regard to recovering stolen property at the international level. Though it is highly complex and expensive process, still it is encouraging to see some international initiatives against corruption. He said that there are more and more countries joining such initiatives.



Mr. Ajai Kumar Singh, IG & DGP, Government of Karnataka, said that without doubt corruption is the biggest problem that is plaguing our nation and society. Saying that the tree of democracy in India is being watered by poisonous water of corruption, he added that the water is almost killing the tree. He said that majority of the public servants join with ideal hearts in the service, but within 4-5 years they all turn corrupt. He blamed it on the



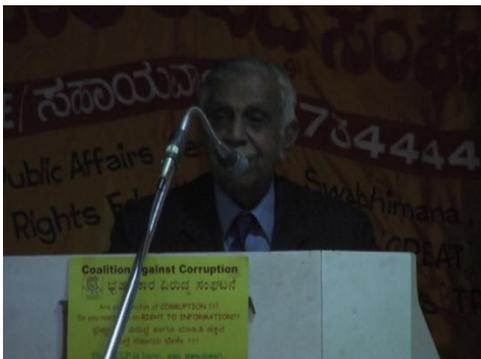
prevailing work culture in government departments. Hence, felt the need to change for the work culture within government departments. In this regard, the Karnataka Police Department has taken an initiative to study the work culture in the police department in Karnataka. He also narrated other pro-active initiatives taken by the

Karnataka police department as a part of curbing corrupt practices and increasing citizen friendly initiatives.

Mr. Kuldip Nayar in his speech explored the long journey that he undertook from pre-independence days to the present day. He argued that the father of the nation, Mahatma Gandhi perceived corruption as a huge moral issue that occurs because of moral bankruptcy. Lauding the efforts of the CAC, he called in for a greater action. He expressed helplessness that even the parliament, the highest body in the country has not been functioning for the past twenty days due to corruption issues. He called in for a community driven movement at a larger scale to wipe out corruption. Arguing that there was some hope in media and journalism, he said that even the media today has got into corporate setup leading to corruption. The corporate sector today can dictate newspapers and politicians. In this context, he said that while the efforts of the CAC are good, there is a need for change in thinking pattern. He called for a media commission given the corrupt practices creeping into media.



Justice Venkatachalaiah in his inaugural address narrated a personal experience where one retired public official had to run around for five years to get sale deed for his land. Justice grieved that such things happen every day and we don't respond. He opined that everyone is responsible for such corrupt practices in everyday life. He said that one the one side our society is hypocritical and on the other side is cynical in the context of corruption. A public servant takes bribe with



a

board displayed in the backdrop "satyameva jayate". In the context of cynicism he said that many people think that nothing will happen even if we shout and make noise. Setting a task for coalition against corruption, he said that at the macro level things are redundant and at the lower level there is cynicism, the task for CAC therefore is to merge these two – the higher level and lower level.

Admitting that our systems are inadequate, he said that with expansion of economic activities, there is so much money available. He argued that after the death of Nehru, there is demise in constitutional democracy



in India. He said that democracy in India has become stale and what is there in India today is a 'rowdy democracy'. While stressing on the points raised by Dr. Paul, he called in for a need to have Ombudsman in all the departments.

Mr. Vijay from AVAS proposed the vote of thanks.

Session-II: Sharing Experiences

The second session was on sharing experiences on various issues vis-à-vis corruption. Mr. R. Suresh, Director, PAC chaired the session. Ms. Poornima from Swabhimana – a partner of the coalition, presented on the history, genesis and the work carried out by CAC from 2005 to till date. Explaining the objectives and partners of the CAC, she highlighted the initial days of CAC launch in 2005 and listed out the current areas of work like Helpline to fight corruption and assistance on RTI, running citizen help desks (CHDs) and finally documentation of corruption related cases.



Explaining the process of helpline functioning, she gave some statistics with regard to CAC. CAC has received 1400 corruption related calls since 2005 to 2010 September, while around 500 calls were received regarding RTI. The CHDs are currently running 24/7 in Jayanagar and Ramanagara Government hospitals. Further CAC has taken up awareness activities like distributing badges saying "I will not give/take bribes" with the helpline number. CAC has given talk shows on radios and TV channels apart from campaigning in schools and colleges. Every year on international anti-corruption day CAC organises awareness demonstration. Concluding her presentation, she listed out the challenges to CAC like degradation of values in the society, non complaints, etc. At the same times she espoused optimism about the future of CAC.

Mr. Abhay from Raichur presented on MGNREGS— Right to Life with Dignity. Arguing that the MGNREGS has been highly beneficial to the rural poor, he opined that lack of political will and corrupt practices are ruining it. Some of the corrupt practices he listed out are bogus cards for the powerful, usage of machinery, not giving payments on time, claiming money without getting the work done and work done under different scheme and showing under NREGS. He highlighted that corruption in MNREGS varies in various regions. For instance, according to him, it is 10-50% corruption in regions where communities are actively involved, where as in other areas it is 50-100%. Suggesting the way to move forward, he passionately argued for mobilising the workforce, conducting compulsory social audits, independent monitoring agency, and efficient and fast grievance redressal system



Mr. Harish from CIVIC presented on Corruption in PDS: Today and Tomorrow. In his presentation Mr. Harish broadly evaluated the corruption chain in PDS starting from



procurement process to distribution of ration to the end user. Arguing that corruption is inbuilt into PDS, he gave the example of PDS shop's average income and expenditure, where in expenditure is way above the income with a net loss of Rs. 5959/- per month to the owner. In this situation, he said that the PDS shop owner will involve in corruption to meet the ends. Giving solutions, he called in for display of

entitlements at the shop, increase in commission for PDS shop owners, comprehensive policy on PDS, and fixing accountability at all levels among others.

The fourth presentation was made by Dr. Sudharshan from Karuna Trust – a partner of CAC – on Corruption in Health Sector. Giving the international rankings on health, he felt pained that India has very low ranking. Arguing that the health is second most corrupt sector in the country, he said that health sector has maximum interaction with the public and also the largest impact on the society. Health is ranked last in terms of corruption in the context of basic services like water supply and health. Citing that corruption is rampant in both private and government health sectors, he said that it could be seen visibly at the hospital level where in from ward boy to doctor everybody is involved. He also cited instances of corruption in procurement of drugs, recruitment, construction of hospitals and equipment. Giving examples of other countries he called in for reforms in the health sector. He pleaded for a strong public movement, usage of RTI to build awareness, and governance reforms among others.



Mr. M. N. Vijay Kumar presented on Understanding the Role of Public Servants in Fighting Corruption – Through my Story. Citing from his personal experiences he felt sorry that there is little apathy among the bureaucracy. He argued in favour of fighting corruption while in power and also whistle-blowing as a part of the job. He recalled the pledge that a

public servant has to take with regarding to upholding the integrity and values. He suggested that public servants should think ahead, take initiatives, and keep their offices open for everyone. He passionately called in for declaring of assets by public servants.

Mr. R. Bharadwaj from Suvarna 24/7 news channel presented some insights on Media's role in fighting or abetting corruption.



The chairperson of the session Mr. R. Suresh concluded the session by summarising and highlighting certain points that came out explicitly from all the presentations.

In post-lunch period, before the start of third session, volunteers from DRIK in collaboration with Chaya and AVAS presented a skit on corruption. It dealt with “we don’t want corruption, we want good governance”.

Session-III: Panel Discussion on Way Forward

The third session was chaired by Dr. A. Ravindra, Advisor to the Chief Minister on Urban Affairs, Government of Karnataka. This session had panel discussion broadly dealing with the way forward to fight corruption. The panellists are Dr. H. Sudharshan, Karuna Trust, Dr. R. Balasubramaniam, Founder SVYM and Sri Madan Gopal, IAS, Principal Secretary, Department of Higher Education, Government of Karnataka.

Dr. Ravindra, opening the session for discussion mourned that the magnitude of corruption has increased manifold over a period of time, said that it is necessary to find a way forward to fight corruption.



Dr. R. Balasubramaniam arguing that corruption has existed all along said that in contemporary times it is getting exposed more in a way reaching the ordinary people. He opined it as a positive turn and it would allow communities to fight against corruption. He also felt that we are obsessed with mega scams, while at the same time we tend to ignore million micro scams that go unnoticed. Hence, he felt it is necessary to pay attention in fighting micro scams too. Highlighting the corruption in PDS, he called in for fighting corruption at the local level, which directly affects the livelihood of the people. He pleaded for social audit of such schemes at the local level involving local communities.



Mr. Madan Gopal in his discussion argued that we need to have more positive approach in order to promote positive aspects among people to achieve the goals of good governance. Arguing that eGovernance and RTI could make tremendous difference, he shared his experiences about an initiative called ‘open day’ for scrutiny of files by the public.

He recalled the amount of enthusiasm that this initiative has generated. He also called in for putting maximum information of government on the public domain would act as strength. Comparing and contrasting Sri 420 and Guru – two movies from different times – he illustrated how the value system has changed. While in Guru movie the ends justified means, the means justifies the ends in Sri 420. Hence, he opined that there is a need to change our values where means justifies our ends. Talking of media, he lamented the silence maintained by media in the recent 2G scam and Radia tapes issue. He drew attention to the blacklisted NGOs/CSOs that are corrupt and similarly, in corporate field. He opined that the disease of corruption has spread everywhere. Hence, he called in for a consolidated resistance to this disease called corruption.



Dr. Sudharshan in his discussion highlighted the fact that there is corruption in both public and private sector. He opined that very often we talk of only corruption in public arena. Mentioning the need for good governance through various measures, he favoured it is essential for gram sabha empowerment, people's movement and a wide bottom-up approach. Concomitantly, he argued, that the institutions like ombudsman and Lokayukta need to be strengthened. He favoured ombudsman at the district level. He pleaded in for Lok Pal Bill and Whistle Blowers' Protection Act. Finally, he argued in favour large scale political reforms.

The session was open and many participants highlighted various issues like the role of youth in fighting corruption, fighting day-to-day corruption, etc.

Dr. Ravindra in his concluding remarks asked the audience how many of them had taken bribe? Saying that I can only say I have not taken bribe, but I can't say that I have not given bribe. He said in the context of economic reforms, even honest people are forced to take bribe. Arguing that demand-supply system would set things right, he gave the example of telecommunications. Saying that earlier telephone department had monopoly, he opined had created scope for corruption. He said there is a need to distinction between micro and macro corruption – wholesale and retail corruption. He called in for handling both day-to-day corruption and also macro level corruption. Arguing that macro level corruption could be handled through reforms in governance, corruption at micro level, he felt for a need of strong people's movement.

Mr. P. Srikant, PAC proposed the vote of thanks.