

The government’s anti-corruption scorecard

The last five years have seen consistent attacks on anti-corruption laws and institutions



ANJALI BHARDWAJ & AMRITA JOHRI

The popular sentiment that helped the BJP in the 2014 general election was resentment against corruption in public life. The party’s clarion call for a corruption-free India resonated with the electorate, who believed the BJP’s prime ministerial candidate when he pledged, “*Na khaunga, na khane dunga* (neither will I indulge in corruption, nor allow anyone else to indulge in it)”.

Ironically, the last five years have seen consistent attacks on anti-corruption laws and institutions. Serious cases of big-ticket corruption have surfaced under the National Democratic Alliance regime, including banking frauds and the Rafale deal. At the same time, there is no evidence of any check on everyday corruption that impacts the delivery of services to people.

Blows to fighting graft

In 2015, the government proposed amendments to the Prevention of Corruption Act. The amendment Bill, which was later approved by Parliament, narrows down the definition of corruption, increases the burden of proof necessary for punishing the corrupt, and makes things more arduous for whistle-blowers.

The most grievous blow is the strengthening of the shield available to officials accused of corruption. Investigating agencies have been barred from even initiating an inquiry or investigation into allegations of corruption without prior approval from the government. Effectively, this empowers political masters to decide whether they wish to allow a corruption inquiry against a government employee or not. The amendments have done away with the offence of abuse of position by a public servant, unless the element of bribery is established. This frustrates peoples’ ability to fight corruption in cases which may not involve the payment of a bribe, as it may be done for other considerations like pleasing political masters for rewards. Also, cases involving gratification are often



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impossible to trace as they may be deferred in the form of post-retirement benefits or paid through clandestine off-shore accounts.

Recent months have witnessed a brazen undermining of the autonomy of the Central Bureau of Investigation (CBI). To insulate the organisation from government influence, the selection and transfer of the CBI Director is vested in a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India. However, the government, without consulting the selection committee, removed the erstwhile CBI Director Alok Verma and appointed an Interim Director, M. Nageswara Rao. Although the Supreme Court eventually struck down these decisions as being illegal, it was not before the credibility of the institution was seriously eroded.

The Lokpal law was enacted to set up an independent and empowered anti-corruption ombudsman, who would work without fear or favour to tackle cases of big-ticket corruption involving high-level government functionaries. The BJP government failed to take the necessary steps to appoint a Lokpal for nearly five years. To ensure the independence of the Lokpal, the law provides for a balanced selection committee, including the recognised Leader of the Opposition. After the 2014 general election, no one was recognised as the Leader of the Opposition. Instead of limiting itself to amending the Lokpal Act to substitute the recognised Leader of the Opposition with the

leader of the single largest Opposition party in the Lok Sabha, the government introduced a 10-page amendment Bill which sought to fundamentally dilute the original law. The Bill was not enacted.

Three weeks prior to the 2019 general election, a selection committee without the Leader of the Opposition selected the chairperson and members of the Lokpal. The selection of the Lokpal by a committee having a preponderance of government representatives, and consequently an inherent bias towards candidates favoured by the ruling party, defeated the purpose of the law and undermined public trust in the institution even before it became functional.

The BJP government has failed to promulgate rules and operationalise the Whistle Blowers Protection Act, 2014. Whistle-blowers, who speak truth to power by exposing corruption and wrongdoing, continue to be denied protection. Many Right to Information (RTI) users who have exposed corruption have been killed.

Everyday corruption

Corruption in India is not limited to collusive high-level scams. Petty corruption, which affects the delivery of basic services and rights to people, is rampant. This especially impacts the poor and marginalised, who are most dependent on public provisioning of rations, pensions, health and education. This form of corruption thrives primarily due to lack of effective mechanisms to hold officials accountable. A legislation to fix this problem was introduced in Parlia-

ment in the form of a Grievance Redress Bill in 2011. Unfortunately, it lapsed with the dissolution of the Lok Sabha in 2014 and needed to be reintroduced – a fact acknowledged by senior BJP leaders when they were in Opposition. Although one of the poll promises of the BJP was to ensure proper delivery of services to citizens, no attempts have been made by the government to reintroduce the Grievance Redress Bill, which would have empowered people to fight everyday corruption.

The RTI Act, one of the most effective tools to fight corruption and abuse of power, has been under consistent attack by the Modi government. Not a single commissioner was appointed to the Central Information Commission in the last five years without intervention by courts. In 2018, the government proposed regressive amendments to undermine the independence of information commissions. These were eventually abandoned due to public pressure.

The worst blow to the peoples’ right to know came in the form of electoral bonds. There has been an urgent need to infuse greater transparency in political party funding. The electoral bond scheme, passed as a Money Bill in Parliament, prevents citizens from finding out who is funding political parties. In one stroke it has ensured that donations worth thousands of crores can be made anonymously. Not surprisingly, the largest benefactor of the electoral bonds scheme has been the ruling party. Citizens don’t know who makes donations and whose interest, therefore, the party will serve.

Instead of putting in place a robust anti-corruption and grievance redress framework, draconian measures like demonetisation and mandatory use of Aadhaar have been pushed by the BJP government in the name of fighting corruption. These have done more harm than good. The BJP’s lack of political will to take necessary steps to curb corruption has given credence to refrains like ‘Chowkidar chor hai’, as people witness allegations of graft flying thick and fast in a regime they voted to power to eradicate corruption.

Anjali Bhardwaj and Amrita Johri are transparency and anti-corruption activists associated with the National Campaign for Peoples’ Right to Information

FROM THE READERS’ EDITOR

Banning social media is not an option

Sri Lankans are unable to find out the truth about what is happening in their country



A.S. PANNEERSELVAN

Following the terror attacks on multiple sites on Easter Sunday in Sri Lanka, it was commendable to see the country’s leaders take responsibility for the tragedy and the failure of the state in protecting its citizens, especially since no one in India has taken responsibility for recent attacks, including in Pulwama in February. The Sri Lankan leaders also went a step further. On April 28, in a fine gesture of unity, which is absent in the polarised polity of India, President Maithripala Sirisena from the Sri Lanka Freedom Party, Prime Minister Ranil Wickremesinghe from the United National Party, and Opposition leader Mahinda Rajapaksa from the Sri Lanka Podujana Peramuna attended a Mass led by Cardinal Malcolm Ranjith, the archbishop of Colombo.

A strategy learnt from India

However, what the Sri Lankan authorities did not do right was to ban social media. Daniel Funke and Susan Benkelman, researchers at Poynter’s International Fact-Checking Network and the American Press Institute’s Accountability Project, point out that turning off the Internet has become the Indian government’s favoured strategy to slow the spread of misinformation. They say that Sri Lanka has borrowed that strategy from India. According to a Freedom House study, ‘The Rise of Digital Authoritarianism’, India leads the world in the number of Internet shutdowns, with over 100 reported incidents in 2018 alone.

I am not a fan of social media; I am a critic of platforms such as Facebook, WhatsApp, YouTube, Instagram and Snapchat. But my criticism of these platforms flows from their inability to deliver when required and their reluctance to accept that they are publishing companies. I have argued that they need to follow the rules that govern media houses because a substantial amount of information flow is now determined by these platforms. It is also true that these platforms contribute

to the amplification of fake news. But that does not mean that the problem will disappear if these platforms are banned.

Meera Selva, Director of the journalism fellowship programme at the Reuters Institute for the Study of Journalism, University of Oxford, explains that Sri Lanka has a “long history of censoring the press, by killing journalists, blocking websites and using draconian laws to fine and imprison reporters”. She draws our attention to the fact that the country’s media remains largely divided by language and geography. She points out that there are no outlets that are used and trusted equally by the Sinhala-speaking majority in the south and west, and the Tamil-speaking minority in the north and east.

She writes: “Social media, therefore, became a way to share stories and comment on current affairs. This hasn’t always been positive – it has also been used to spread ethnic and religious chauvinism, echoing the language used by politicians and mainstream media over the decades. Nevertheless, it has

been crucial for promoting intra-ethnic dialogue in Sri Lanka.” Ms. Selva argues that by shutting down social media, “the government now risks preventing Sri Lankans from finding out the truth about what is happening in their fragile country”.

Social media can be useful

Disinformation is indeed a menace. For instance, the international news agency AFP published a story headlined, “No, this is not a photo of the youngest victim of the Easter Sunday attacks in Sri Lanka”. Its fact-check team not only proved that the claim was false, but also established that the image was posted online nearly a year prior to the April 21 attacks. It is in this context that Sanjana Hattotuwa’s observation gains credence. Mr. Hattotuwa, an expert on digital media, told the BBC that as time goes on, the ban could actually hinder the useful role that social networks could play. “The longer the block is in place, the more debilitating it becomes for families grieving in this unprecedented time to communicate with each other,” he said.

Banning social media is an easy option, indeed a lazy one, that leaves no room for innovative approaches in crisis management.

readerseditor@thehindu.co.in

SINGLE FILE

Pushing fear over hope

We must become aware of the divisive effects of the message of fear spread by our leaders

UNNIKAMMU



With his focus on terrorism and Pakistan rather than on the development record of the NDA government in his campaign speeches, Prime Minister Narendra Modi is pushing fear over hope. One effect of this rhetoric is that we are constantly reminded of the danger that we are in from these forces. The Prime Minister then becomes the ‘chowkidar’ who will protect us. This may be an effective strategy for getting votes. However, the focus on fear has subtle, subconscious effects on our attitudes and behaviour towards one another.

When our leaders tell us that we are in danger, we are reminded of our mortality. This is known in psychology as mortality salience. The theory that explains the effects of mortality salience on our attitudes and behaviour is known as Terror Management Theory. This theory proposes that a primary function of shared cultural beliefs is to protect us from the terror that we experience when we are reminded of the fact that we will die one day. We cling to our cultural beliefs when reminded of death. Several studies have shown that mortality salience makes people close ranks emotionally and physically and become more attached to those who are like them, that is, those who share their cultural beliefs. In addition, we tend to keep our distance from and vilify people who don’t share our cultural beliefs.

In an election, mortality salience will motivate us to vote for people who are like us regardless of what their policies and objectives are. This is a form of polarisation. Because of its unconscious nature, mortality salience does not make us aware that our behaviour is influenced by it.

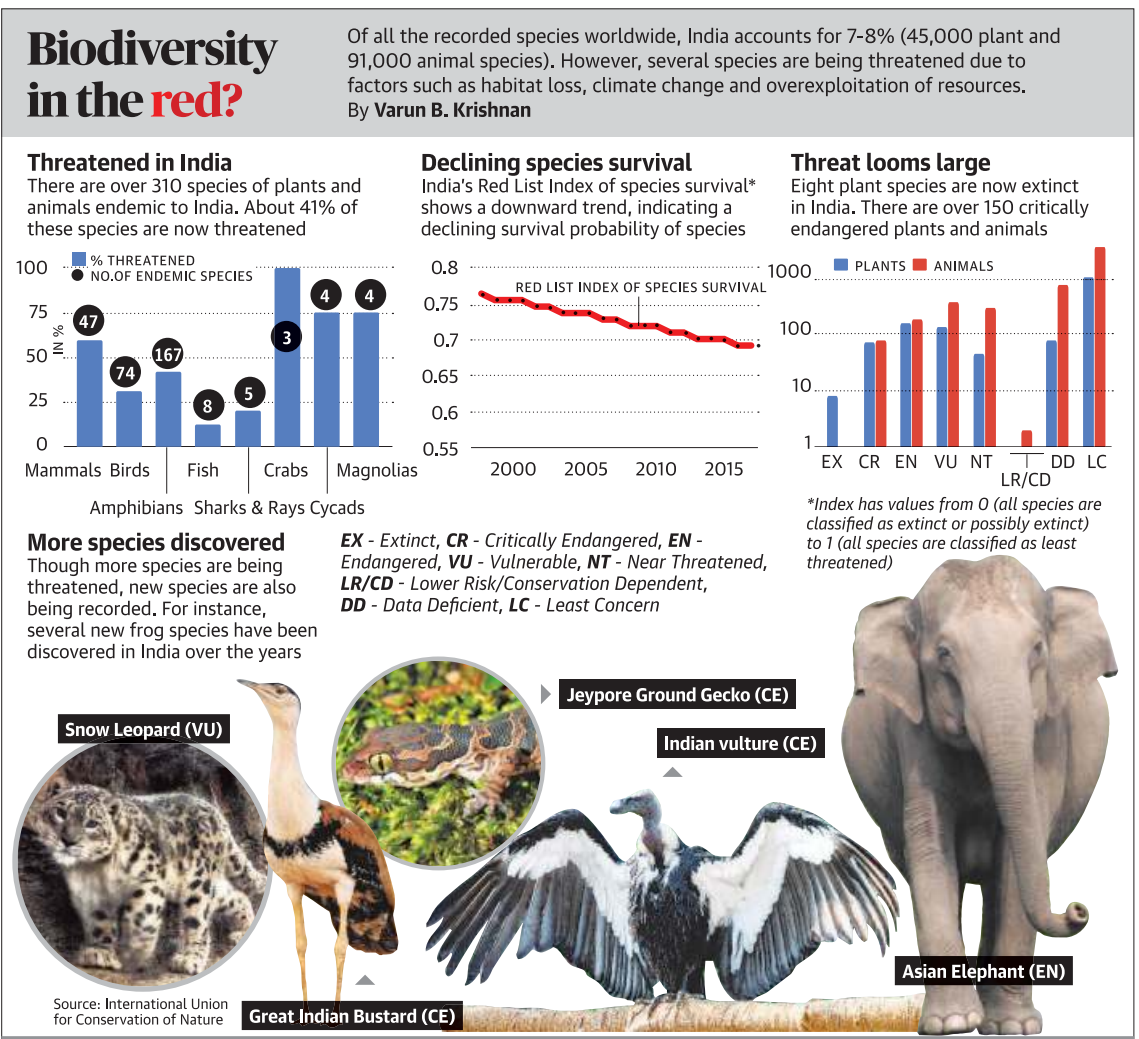
The effects of mortality salience are attenuated in cultures that value tolerance and people’s right to their own beliefs. Traditionally, Hinduism is a tolerant religion. It is therefore surprising that the rhetoric of fear has led to so much polarisation in India. Self-esteem is one of the mitigating factors for the effect of mortality salience. When people are unable to live decent lives free from poverty and misery and they see little chance of leading a better life, they are likely to experience low self-esteem. Low self-esteem makes people more vulnerable to the effects of mortality salience.

We see decent and tolerant people becoming ardent followers of Mr. Modi’s divisive rhetoric because the effects of mortality salience are unconscious. People are unable to see that they are being influenced by the fear of death. I am shocked to see my close friends supporting the BJP without realising that this ideology treats Muslims as an outsider. Terror Management Theory teaches us that we must become aware of the divisive effects of the message of fear purveyed by our leaders. Let us vote for leaders who focus on what we have in common, leaders who communicate hope of a better future for all Indians.

The writer is a retired professor of management from Sultan Qaboos University, Sultanate of Oman



DATA POINT



FROM The HINDU ARCHIVES

FIFTY YEARS AGO APRIL 29, 1969

President De Gaulle resigns

General de Gaulle to-day [April 28, Paris] resigned as President of France after a major defeat by the electorate, bringing an era in French history to an end. A three line communique from the Elysee Presidential palace issued shortly after midnight said simply: “I am ceasing to exercise my functions as President of the Republic. This decision takes effect from mid-day to-day.” The decision followed the defeat in the referendum over the proposals for Senate and regional reform on which the 78-year old French leader staked his career as President. The defeat, the first Gen de Gaulle has ever suffered from the French electorate, marked the end of 11 years of relatively unchallenged Gaullist rule. The Interior Minister, Mr. Raymond Marcellin, announced early to-day that the Government’s Senate and regional reform proposals had been rejected by 52.87 per cent of the electorate.

A HUNDRED YEARS AGO APRIL 29, 1919.

Madras Labour Union.

At a meeting of the members of the Madras Labour Union held on Saturday [April 26] last with Mr. B.P. Wadia in the chair the following resolution was passed: “That the Madras Labour Union request their President, Mr. B.P. Wadia, to plead the cause of labourers in India before the British Labour Party in England and the British democracy.” Mr. T. Audinarayana Chettiar gave a short history of the development of the labour organisation in England and referring to the state of labour conditions in India, he said that Indian Bureaucracy showed an open interest in the British trading classes and that they viewed with dis-favour the combination of Indian workmen. He spoke of the need for greater efficiency in their organisations, for a greater number of organisation in Industries, for an organ to voice forth the opinion of labour in India and the urgent need for more funds. He also said that the educated Indian leaders showed an attitude of neglect for the interests of labourers.

POLL CALL

Margin of victory

Margin of victory refers to the percentage point lead that a candidate or party has in an election over the candidate or party ranked second. For example, if Candidate A wins an election with 35% of the vote and Candidate B, who finishes in the second place, wins 30% percent of the vote, the winner’s margin of victory is five percentage points. Margins of victory can be used to measure electoral competitiveness, political party or candidate strength, and, indirectly, the popularity of a particular policy or set of policies.

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