

# Turf issues in fighting corruption

How the Lokpal, the CVC and the CBI coordinate will be crucial



The Lokpal and Lokayuktas Act, 2013 is complicated. This could perhaps not be avoided, given that what was being attempted was a new and bold experiment to pull the anti-corruption campaign out of oblivion. This law was badly needed, if only to lend a modicum of credibility to the process of enhancing the accountability of those in high places, who were cocking a snook at all efforts to demonstrate to the world that India is not second to any other nation in making its public administration clean and fair.

Surprisingly, the appointment of India's first Lokpal has not been received with great excitement. The preoccupation with the general election of all those likely to be affected by the Act may perhaps explain the apathy. Nevertheless, the working of the Act may be expected to be closely followed in the months to come, both by the polity and the legal fraternity, which is how it ought to be in a vibrant democracy.

The corruption of public servants in India has become such a menace that something drastically new had to be tried, and appointing the Lokpal at least partially meets this crying need. There is guarded optimism in a few quarters, and considerable cynicism in others, over the likely efficacy of the Lokpal. However, any high expectations that the new mechanism against corruption will measurably transform the scene seem misplaced.

### Actors against corruption

There are now three principal actors at the national level in the fight against graft: the Lokpal, the Central Vigilance Commission (CVC), and the Central Bureau of Investigation (CBI). Some people have misgivings over the independence of the Lokpal. They wonder how it will work with the other two so that the objective of cleansing public life is achieved with reasonable satisfaction. Some critics allege that the Lokpal's composition was dictated solely by the establishment led by the Prime Minister. But what about the Chief Justice of India, or his nominee, another important member of the Selection Committee? Casting aspersions on the neutrali-



MOHAMMED YOUSUF

ty of the highest judicial authority in the country is unacceptable unless one can prove with reasonable material that he acted in a biased manner in choosing the first Lokpal.

The decision of the 'special invitee' to stay away from the process on the ground that he was a mere invitee and not a full-fledged member of the Selection Committee is regrettable. The accusation that the process of selection of the Lokpal was not transparent falls flat if someone in the Opposition abstains from participating in the Committee's decision and denies himself and the nation the chance of knowing and evaluating how open-minded or not the other members were in choosing the members and chairperson of the Lokpal.

### Jurisdiction issues

To my mind, what is worrying is how well the CVC and CBI are going to play a complementary role in upholding the objective for which the Lokpal has been appointed. The Lokpal has jurisdiction over Group A and B public servants. This does not deprive the CBI of its own jurisdiction over these two groups. The Lokpal Act permits using the CBI (referred to by the Act as the Delhi Special Police Establishment, from which the CBI was born) for examining a complaint against a public servant for misconduct. Although the Lokpal has its own Inquiry Wing, it can nevertheless forward a complaint to the CBI for a preliminary inquiry, and thereafter for registering a regular case under the Prevention of Corruption Act, 1988. It is not clear what happens when such a complaint is already being inquired into by the CBI. Legally speaking, the government, in addition to the Lokpal, is competent to order a preliminary inquiry and permit the CBI to proceed with a regular case. What is also to be

remembered is that the CBI can register a case even without the government's nod in instances in which a public servant is caught red-handed while receiving a bribe. If an individual lodges a complaint with the government and the Lokpal, what should the Lokpal do? Does it have the authority to give direction to the CBI to keep its hands off the matter and wait for the Lokpal's own Inquiry Wing to handle the matter?

The Act creates a Prosecution Wing exclusively for the Lokpal. How will that body coordinate with the CBI's Director of Prosecution in respect of a matter handled by both of them? It is a common practice for complainants in India to dash off their complaints to a host of agencies. There is a distinct prospect of a clash between the government (which has greater powers of superintendence over the CBI than the Lokpal) and the Lokpal over a wide spectrum of issues. The Act gives the impression that superintendency over the CBI is shared by the Lokpal and the government, and neither is in exclusive command of the former. Can the Lokpal order the CBI to suspend its inquiry in respect of a complaint and report on it to the exclusion of the government?

The initial days are going to be difficult in terms of coordination. Everything will depend on how well the Lokpal and the government sink their egos and concentrate on the fundamental objective of striking at corruption without getting bogged down by technicalities.

All these imponderables, however, do not reduce the utility of a highly placed ombudsman. It may finally boil down to Justice Ghose's perception of what his role is. He can certainly shape the future of this experiment.

R.K. Raghavan is a former CBI Director. Views expressed are personal

# Leaders who ignited a deadly fire

There is limited satisfaction in seeing L.K. Advani and M.M. Joshi being retired



RUCHIR JOSHI

Any taste of satisfaction or schadenfreude someone may get from the news of senior BJP leaders L.K. Advani and Murli Manohar Joshi being put out to pasture by the RSS-BJP is quickly superseded by something unpleasant, dark and chemical-tasting. Many may have looked forward to the day when we would see the back of these two. Many would want to relish this moment: the humiliation, the casual back-handed slaps with which these 'marg-darshaks' are darshaked their marg into political oblivion, their fury, their suppurating resentment, all of it. But this is where history plays the jester, suddenly peeping out from the wings and asking the audience, 'Are you really happy now?'

Around half of us Indians were born after the Babri Masjid was torn down and millions were too young for the event to register. It takes an effort for the rest of us to remember the time before words like 'shilanyas', 'pseudo-secularist' and 'Sangh Parivar' entered common parlance. Even as Babri began to be stoked in the mid-1980s by the RSS-BJP and its polyp-groups, there were many real issues that occupied the public: the Khalistan movement, the Bhopal gas tragedy, AIDS, the Bofors case, computerisation, the impunity with which D.H. Ambani had bypassed governmental checks and balances on big business, the Mandal Commission report, the possible tessellations of various reservations, and the economic liberalisation that then Prime Minister Rajiv Gandhi wanted to bring in.

### A different route to power

Many of today's challenges were present then: corruption, huge inequality, the dearth of proper education and universal healthcare, widespread unemployment, looming ecological disasters. There was ample room to challenge the Congress on these issues. There were many parties aiming for, if not a Congress-mukt India, at least a Congress-light one, which would be a happier, more egalitarian place. But the leaders of the RSS-BJP saw a different route to power: forget about education, healthcare, women's rights, let's put to boil Hindu pride in the pot of a Ram



BJP leaders Murli Manohar Joshi and L.K. Advani during the BJP National Executive Meeting in New Delhi in 2017. ■ V. SUDERSHAN

Mandir in Ayodhya, let's twist genuine faith, appeal to the basest sentiments and see what happens. Despite the choices available, Mr. Advani and Mr. Joshi chose to gamble on relentlessly creating religious enmity and small and large-scale violence. They were cunning men who knew what they were doing.

### A calculated gamble

The Ram Mandir 'issue' was indeed a gamble but it was a calculated one: the RSS-BJP and the Vishwa Hindu Parishad knew the Congress was riven with squabbling and that its secularism was shaky (Mr. Advani's barb about pseudo-secularists was a precise arrow into the heart of Congress hypocrisy); they knew the growing regional parties had little concern for the well-being of the nation as a whole. They sensed that a disaffected, jobless mass of male youth, at least in central and north India, was a tinder keg that could be ignited with the touchpaper of communalism and the targeting of the minority communities as the 'enemy'. Long-honed instincts told them their pseudo-Hinduism had a strong chance of defeating the Congress's pseudo-secularism, at least in the so-called cow belt. Most importantly, these men knew fully well that their 'rath-yatras' and their carting of 'consecrated' bricks to Ayodhya would lead to a bloodbath. Not only did they know it – the very success of their gamble depended on violence ensuing, on large parts of the country tearing along com-

munal lines. After the demolition of the Babri Masjid this is exactly what happened.

In case there is any amnesia or unfamiliarity, let's not forget that Mr. Advani and Mr. Joshi had passionate and vociferous support from a second rank that included not only Ashok Singhal, K.N. Govindacharya, Uma Bharti, Sadhvi Rithambara and Jaswant Singh but also Yashwant Sinha, Shatrughan Sinha and Arun Shourie, gentlemen who today seem to be having such severe problems with the monster they helped incubate and nourish. Below these tiers you had the organisers, including Narendra Modi and Pravin Togadia, with even younger people like Manohar Parrikar travelling to Ayodhya as a kar sevak.

There might be some differences between the current BJP bosses and the duo so unceremoniously consigned to the knacker's yard, but it's useful to note that the differences are of degree and style, not substance. The first tampering with school textbooks and the initial orange assault on cultural and educational institutions was under Human Resource Development Minister Joshi. Likewise, Deputy Prime Minister Advani too pushed the majoritarian agenda as much as he could, but within the constraints of a coalition.

### The horrors continue

Vajpayee's and Mr. Advani's masks of democratic civility fell off after the clearly pre-planned anti-minority Gujarat pogrom of 2002. The chancers at the top had to deal with an even bigger chancer in Mr. Modi. Vajpayee may have tried to remove Mr. Modi as Chief Minister because of the Gujarat riots, but Mr. Advani defended Mr. Modi and Vajpayee chickened out. It is a fleeting consolation to realise that Mr. Advani might have, at that precise moment, sown the seeds of his own unseating by a protege even more mendacious than himself. It provides only the most superficial of gratifications to see Mr. Advani and Mr. Joshi being sent off to their enforced *sanyaas*, their edacity for position and power forever unfulfilled. Any sense of elation at historical justice being finally delivered is quickly tempered by remembering the horrors these two men inflicted upon the country when in their prime, horrors that, far from being over, are alive and enlarged as never before.

Ruchir Joshi is a writer, filmmaker and columnist

## SINGLE FILE

# A ladder, not a crutch

Using behavioural science in the design of cash transfers can make them more effective in the fight against poverty

SAUGATO DATTA



AFP

There are many legitimate questions about the Congress's Nyuntam Aay Yojana (NYAY) scheme, which promises to transfer ₹72,000 annually to 20% of families in the poorest of the poor category. But the fundamental soundness of the idea should not be in doubt. Evidence from dozens of cash

transfer programmes around the world speaks resoundingly in favour of such schemes as a tool for sustainable poverty alleviation.

Evaluations of cash transfers show that they usually lead to large increases in household consumption, improve health and education outcomes for beneficiaries and their children, and improve women's agency and empowerment when paid to women. At the same time, common fears, such as that money will be squandered on alcohol or cigarettes, turn out to be largely unfounded. Neither does handing money to the poor make them reluctant to work or be entrepreneurial. Rather, behavioural economists have found that poverty itself makes it harder for people to do things like plan for a future beyond immediate survival. It's hard to be ambitious on an empty stomach. By freeing people's minds from having to fret about their next meal, a cash transfer can enable entrepreneurship or more productive employment.

In fact, ideas from behavioural economics are increasingly being used to magnify the already positive effects of giving people cash. In Morocco, MIT economist Esther Duflo and her colleagues found that simply 'labelling' a cash transfer as an education transfer can push up school participation. In ongoing research with the World Bank and the governments of Madagascar, Kenya, Ghana, and Tanzania, my colleagues and I are exploring whether it is possible to use the 'mental space' that an infusion of cash enables to help beneficiaries use the money they get more productively.

In Madagascar, we asked recipients to develop a plan for how they would use the cash transfer amounts to further their goals. Eighteen months on, those who received this 'nudge' were more food secure, more likely to have invested in livestock, and had higher cash-crop incomes. In another study in Madagascar, we found that helping people visualise how much they needed to save for a goal (example, a new milch cow) and giving them a pouch to set money aside for it increased saving. These designs are now being adapted and piloted in Kenya and Tanzania.

By helping parents invest in the next generation, cash transfers strike at the heart of persistent poverty. Incorporating small behavioural interventions makes the money go even further. If a programme like NYAY takes experimentation, design and evidence seriously, its impact on the lives of India's poor could be transformative.

The writer is Managing Director, ideas42, a behavioural science research and design firm, where he leads work in the developing world



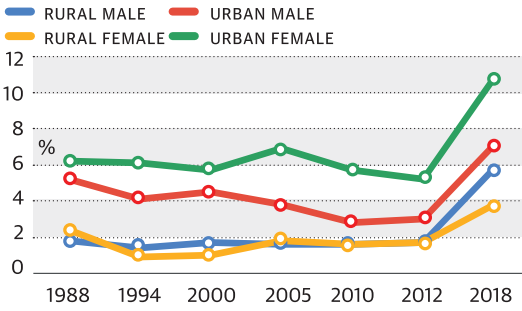
## DATA POINT

# Qualified but jobless

Data in the draft Periodic Labour Force Survey (PLFS) 2017-18 reveal that the unemployment rate\* was the highest for all demographics in the past three decades. The survey also shows that a section of those surveyed are unemployed despite decent academic qualifications and vocational/technical training

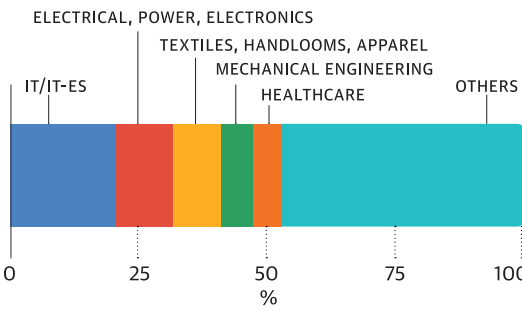
### Sudden spike from 2011-12

Unemployment among urban women saw the steepest climb (over 5 percentage points), while the unemployment rate among urban and rural men rose by 4 percentage points



### IT, electronics boom

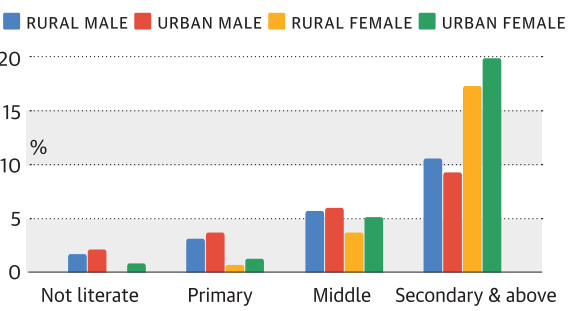
About 20% of those who had received some formal vocational/technical training were trained in IT-related disciplines, while electrical and electronics came next



Source: Draft Periodic Labour Force Survey 2017-18

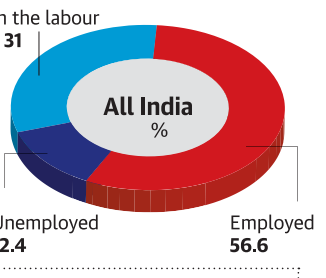
### Education doesn't mean jobs

Across all demographics (urban and rural women and men), those who had finished secondary education and above had the highest rate of unemployment\*



### Just over half employed

Only about 5-6 persons out of 10 who had received formal vocational/technical training were employed\*. About 3 out of 10 people were not in the labour force



\*% of unemployed persons in the labour force; \*Indicates people employed in the 'usual status' approach (those who have engaged in any economic activity for 30 days or more in the past 365 days); #Traditionally, people who finish secondary education and above constitute the largest % of unemployed people. However, the gap between this section and others was much wider in 2017-18

## FROM The Hindu. ARCHIVES

FIFTY YEARS AGO APRIL 4, 1969

### Krishna waters issue to Tribunal

The Krishna river waters dispute is to be referred to a Tribunal under the River Waters Disputes Act. This decision was taken after the Chief Ministers of Andhra, Mysore and Maharashtra, who met here to-day [April 3, New Delhi] under the chairmanship of Mr. Morarji Desai, Deputy Prime Minister, failed to reach an agreement on the sharing of the river waters. Mr. Morarji Desai, it is believed, told the Chief Ministers that he was not arbitrating on the issue. He was only anxious that an amicable settlement should be reached among the various parties out of court. He referred to a decision taken by the Union Cabinet some weeks ago that he should mediate in the dispute by utilising his good offices and it is only in response to this that he had arranged this meeting.

A HUNDRED YEARS AGO APRIL 4, 1919.

### The Delhi Tragedy. Mr. Gandhi's Statement.

Mr. M.K. Gandhi, who arrived here this morning [Bombay on April 4], has written the following letter to the press: It is alleged against the Delhi people assembled at the Delhi Railway Station: (1) That some of them were trying to coerce sweetmeat sellers into closing their stalls. (2) That some were forcibly preventing people from plying tramcars and other vehicles. (3) That some of them threw brickbats. (4) That the whole crowd that marched to the station demanded the release of men who were said to be coercers and who were for that reason arrested at the instance of the railway authorities. (5) That the crowd declined to disperse when the Magistrate gave orders to disperse. I have read Sanyasi Swami Shradhanandji's account of the tragedy. I am bound to accept it as true unless it is authoritatively proved to be otherwise and his account seems to me to deny the allegations 1, 2 and 3. But assuming the truth of all allegations it does appear to me that the local authorities in Delhi have made use of a Nasmyth hammer to crush a fly.

## POLL CALL Observer

An Observer, who is an officer of the government, is nominated by the Election Commission (EC) to watch the conduct of election in a constituency or a group of constituencies. The Observer has the power to direct the returning officer of the constituency or group of constituencies to stop the counting of votes before the declaration of the result or not declare the result at all if he or she believes that booth capturing has taken place or the ballot has been tampered with accidentally or otherwise to an extent where the result at the polling station cannot be ascertained. If the Observer believes this to be true, he or she is expected to inform the EC immediately.

## MORE ON THE WEB

General election 2019: constituency-wise key candidates' list

<http://bit.ly/GeneralElectionsConstituency>