

Report on the Seminar, “YOU CAN STOP CORRUPTION” organized by UNODC, ROSA on December 9, 2005 at the India Habitat Centre, New Delhi

INTRODUCTORY SESSION 1000-1045

MR. SHANKAR SEN, Senior Fellow, Institute of Social Sciences: Welcome Address and Introduction

Mr. Shankar Sen welcomed the participants.

The session started with the introduction to the background and context of the issue of corruption. Mr. Sen informed the participants about the level and dimension of corruption in different states of India and how India has become one of the most corrupt countries according to a study by Transparency International, which examined the magnitude, prevalence and dimensions of corruption in these states. It was felt that there is an argument that corruption slows down the process of development. The discussion was focused on what could be done to stop corruption, which was the theme of the Seminar. The key issues discussed were:

- Corruption causes the illegal transfer of state revenue to sources outside the country.
- It causes the total mismanagement of public administration.
- It has been observed that it has now become a risk-free enterprise.
- It leads to monopoly and class discrimination
- Predictably the common man becomes a victim as a consequence of corruption.
- Therefore the role of government agencies in tackling corruption is very crucial.
- There is lots of discretion in the hands of government.
- Some people may argue that corruption in public service is linked to low salaries
- Singapore as an example is perceived to have an upright bureaucracy because its public servants are highly paid.
- There is a need to analyze what can be done to mobilize public opinion, to end corruption and to build up strong social opinion.
- There needs to be a discussion on whether it is possible to bring about improvement and about the kind of systematic changes that are required to bring about transparency in rules and procedures.
- Societal adherence to rules seems to be missing.

Mr. Sen stressed that he hoped that useful ideas will emerge through the seminar and awareness about the issue will be brought about.

ADMIRAL TAHILIANI, Chairman, Transparency International India: “Corruption in India”

He defined corruption as the use of public office for private gain. Corruption is also the use of empowered office for private gain. The main causes of corruption and their different dimensions as per the presentation are elucidated below:

- It is a myth that low salaries are a cause of corruption. Lack of penalty to counter corruption can be a contributing factor too. For example, Singapore is the only country where the people are hanged for corruption but such radical steps will not be successful in large democracies.

- In India however, the Fifth Pay Commission has hiked up salaries for public servants but that has not brought down corruption levels.
- All of us must accept our responsibilities as citizens. In any democratic structure the Government, private sector and civil society must be accountable to the people.
- For the past 25 years, civil society was not very active. However the civil society is now a very potent force and therefore they should be involved in good governance.
- There are two types of corruption – the upstream, in Government Departments where public procurement is involved for eg. defence, railways etc. The other is petty corruption, eg: for getting a driving license, offering bribes to get birth certificate, ration card etc.

Transparency International has released a report on the statistics of corruption. The findings of the report are:

- Statistics say that Rs. 20,000 crores is lost to corruption.
- Corruption is not rampant in every Government Department. The TI survey dropped two departments – railways and telephones in their survey where computerization had reduced corruption.
- The survey also brought out success stories, examples of good governance initiatives and innovative ways to reduce corruption.
- The booklet on National Anti Corruption Seminar to improve Good Governance revealed that petty corruption could be brought down through awareness.
- Involving the civil society also can reduce corruption. Awareness can empower communities
- Corruption can be brought down by automation and the use of technology example the Bhoomi project in Karnataka used technology for online delivery of land records and to make available government services to citizens in a transparent manner.
- Such surveys need to be carried out every two years
- It was observed that citizens are happy to share information, which is where the new Right to Information Act gains importance.
- As an example to stop corruption in procurement practices an integrity pact can be used where a buyer who wants to stop corruption, can say upfront that any potential bidders have to sign an integrity document. The seller will not bribe the buyer if there is a third party like an independent monitor, to the deal. This integrity pact has been used successfully. The monitor will see that any bidder is not treated with partiality. This way we can reduce bribes by 25 %.

SHEKHAR SINGH, Convenor, National Campaign on the Peoples’ Right to Information: “Civil Society in Anti-Corruption”

The speaker spoke about the role civil society could play in stopping corruption, and the importance of the Right to Information Act. The Right to Information Act he informed was passed on 12 October 2005. It is considered to be the most powerful Act of its kind in the world though it also has weaknesses. This law was made as a result of a huge social movement by civil societies pushing the government for it. Three common myths about corruption discussed were–

1. Corruption is a recent phenomenon: As a matter of fact it is as old as the animal society. The World Bank had pushed governments to increase salaries for public servants. Later, they found that despite salaries being raised incidence of corruption through bribes had not reduced.

2. Western countries are less corrupt: Corruption in Western countries is driven by the economic principle of demand and supply. Corruption is institutionalized in many countries. Eg: Multinationals in many countries pay bribes to get high returns on their shares.
3. Centralized institutions can solve the problem: Many institutions are facing similar problems. Decentralization of power can be a solution to reduce corruption.

Civil Society again has a crucial role in this effort and in raising public awareness that every single individual has the right to pursue and detect corruption under the Right to Information Act.

Some suggestions in dealing with corruption are:

1. More institutional mechanisms need to be created to disseminate information and generate a paradigm shift in public opinion. Establishment of Public Grievance Cells and commissions are required.
2. There is a need to prioritize the different levels of corruption from petty to profound. It is pertinent to first attack corruption that takes away peoples rights.
3. A workable strategy needs to be developed.
4. Lastly, there is a need to fight against systems. There is a high level of cynicism about this issue that needs to be fought.

PLENARY I (11:00 – 13:30)

MS. MAJA DARUWALLA, Director Commonwealth Human Rights Initiative – Chairperson

MR. GARY LEWIS, Regional Representative, United Nations Office on Drugs and Crime, Regional Office for South Asia: “Anti-Corruption Initiatives of the UN”

Mr. Lewis welcomed colleagues and participants. He pointed out that India is moving in the right direction in introducing the Right to Information Act and explained that as an international agency the UNODC would like to draw the attention of key policy makers to the growing menace of corruption. “You can stop corruption” is the chosen theme for this year and the influence of corruption needs to be recognized by each one of us he said. There is a link between corruption and crime and terrorism. The 9th of December is the anniversary of the signing of the UN Convention on Corruption. With this the world will have a new tool to fight corruption. He urged civil society to take advantage of this tool. The international community is taking a lead to fight corruption through the **Convention against Corruption**. Immediately prior to that the world community also adopted the **United Nations Convention against Transnational Organised Crime**. Together, these two instruments give us the tools to address crime and corruption on a global scale. UNODC is the custodian of these two very important Conventions. The **Convention on Corruption** requires the establishment of a range of offences and includes extensive preventive measures. It also contains substantial provisions on strengthening international cooperation in criminal matters, as well as on specific aspects of international law enforcement cooperation. Finally, and in a major breakthrough, the convention includes innovative and far-reaching provisions on asset recovery, as well as technical assistance implementation.

In parallel with the development of the United Nations Convention on Corruption, the United Nations Office on Drugs and Crime launched a **Global Programme against Corruption** as a vehicle to provide technical assistance to member states with a view to strengthening legal and institutional frameworks and

enhancing integrity safeguards, to develop policy guidelines and collect good practices and lessons learned through a series of publications, and to enhance cooperation among agencies active internationally in anti-corruption policy as well as advocacy.

Civil society and media have an important role to play in anti-corruption observed Mr. Lewis. We, with the help of media and civil society partners, continue to urge our partners to work towards eradicating corruption. India had been one of the very active participants to the negotiations to the UN Convention on Corruption in 2003. A large number of hours had been devoted by the Indian delegation. The UN looks forward to India ratifying the convention.

We would be happy to work with state members on aspects relating to the promotion of the ideals enshrined in the Convention. He then thanked everybody for participating in this workshop.

MR. R.K. DUTTA, Joint Director, Central Bureau of Investigation: “CBI in Anti-Corruption”

Mr. Dutta started with applauding the efforts of private sector in tackling corruption. He said that the government in partnership with private sector, should come forward and fight corruption. He further elaborated on the functioning of CBI and its contribution to dealing with corruption.

The Delhi Special Police Establishment Act, under which the CBI functions was passed in 1946. In 1963 the CBI was opened with six divisions which has now increased to seven divisions. There are three divisions for anti-corruption activities. Each state has one branch to handle corruption activities.

He acknowledged that over the years a complacent attitude had set in the department. Joint surprise checks supported by follow-ups should be organized to check corruption. The CBI has the disadvantage of having low human resources dedicated to tackle corruption. The CBI generally targets high profile corruption cases but now raids are being held to deal with small level corruption also to raise awareness. There are about 3000 complaints in a year. There is a general lack of awareness among people about the kind of cases CBI deals with.

MS. HARJOT KAUR, Deputy Secretary, Department of Personnel and Training, Govt. of India: “Government of India’s Vision on Anti-Corruption”

According to Ms. Kaur, corruption is not only in the government sector but it is well within the private sector also. India is considering signing the UN Convention. There exists the Central Vigilance Act to exercise control since 2003. It has control over all central government departments. There are three types of corruption –

1. Corruption in political parties. Political parties are asked to maintain their accounts. Rajya Sabha is the custodian of the code of conduct regarding declaration of properties by the politicians. The Election Commission has stipulated that each candidate needs to declare his assets.
2. Corruption in the public domain. The Money Laundering Act is an important step in checking corruption where money is changing hands.
3. Corruption in civil society. Intentions of the government are very honourable in introducing the Right to Information Act, and it is hoped that the RTI Act will withstand the test of time.

India has not yet ratified the UN Convention, since it needs to ensure that its rights of sovereignty are not infringed upon. Ms. Kaur also talked about the legislative initiatives of India to tackle corruption, the most important of which is the “Prevention of Corruption Act 1988”.

MR. P.S. BAWA, Transparency International, Former Director General of Police Sikkim: “Civil Society’s Perception on Government’s Initiatives to Fight Corruption”

Mr. Bawa talked about the common perceptions around corruption based on reality and experience. Petty corruption is perceived as a big problem and public servants aren’t immune to the problem. Though there are flagrant violations of law such as misuse of farmhouses, encroachments of public spaces, we as a society seem to be extending the limits of tolerance. Mr. Bawa observed that the government is not serious about poor performance in the services sector. There is an absence of teachers and health workers in rural areas. Mr. Bawa made the following suggestions:

1. The Rule of Law should be ensured for all.
2. Inspections within Government departments have to be regular, meaningful and oriented towards monitoring.
3. Lack of criminal justice reforms needs to be dealt with.
4. Accessibility of public offices needs to be improved; at the moment, senior officers are inaccessible.
5. Public servants need to be sensitized to values such as integrity and honesty.
6. The Right to Information is a key tool in fighting corruption and it should be made good use of.
7. The spirit of honesty needs to be imbibed by all.

PLENARY II –1430 to 1700

Right to Information Act in Checking Corruption

Chair: PROF. M.M. ANSARI, Information Commissioner, Central Information Commission.

This Plenary began with a 14-minute film about the use of the RTI Act by a section of the rural population for the construction of a canal in a village in Rajasthan.. The film captured the fact that people have not heard of the Indira Awas Yojana (a Government of India Project). In government files, the people have been given the house but in reality houses were allotted to the wrong people. Middlemen were found to be taking advantage of situations. Even for police complaints, people are asked to pay bribes.

Following the movie, the chair made a few remarks. He spoke about how this seminar had been organized to mark Anti-Corruption Day and that the second session would be devoted to discussions on RTI. He remarked that the RTI act had ended the culture of secrecy and it was a step towards a rights-based approach to development. We continue to live in poverty despite our surplus food grains and GDP having increased. Misappropriation of resources distorts government programmes. With the RTI there is going to be total accountability.

MR. NIKHIL DE, MKSS, Rajasthan: “RTI: A Tool for Civil Society to Fight Corruption”:

Mr. De continued from the issues raised by the film. He observed that people understand the power of documents and information and informed that in Rajasthan, people now understand how they can turn

information around to their advantage. Some slogans coined by the people of Rajasthan – “hamara paisa, hamara hisaab - hum jaanenge, hum jeeyenge” are representative of their awareness to seek information that connects with all their basic survival issues. The following points were discussed:

- Earlier people never felt the need to question the Government on public money but now there is an awareness that the Government is accountable for their money and that the middle class is also affected by misappropriation of funds.
- Today we can get to know about the honest people in the system, so we can support them
- People now realize that corruption links with their basic survival issues, about daily wages. Minute level of corruption is also very important along with the larger issue of corruption.
- The extent of corruption can now be exposed by the RTI because information cannot be hidden now. Action needs to be taken at the minutest level, and then there is a need to climb to the level of policy decisions. The RTI offers great potential to expose corruption if implemented properly.

MR. PRASHANT BHUSHAN, Advocate, Supreme Court: “Lawyers perspective on the RTI as a tool to Fight Corruption”:

The uniqueness of the RTI Act can be judged by the fact that the exemptions in the list are not very wide but there is some resistance from the bureaucracy. According to them, file notings are not to be understood as ‘information’ under the Act, therefore they should not be given out. It was discussed that the identity of people who had made the notings could be withheld. The standard argument to support this is that, the fear of disclosure of file notings might affect the candor needed while preparing the notings. It was further argued that a lot of corruption gets to be known through these file notings. ex. the Enron case. Accountability needs to be fixed and therefore identity needs to be known.

There was an argument that the parameters by which development is judged, such as GDP growth, Sensex etc which are obsessed with growth, encourages corruption. In a democratic country like ours, people have a right to know how the public servants are working on their behalf so that they can hold them accountable. If we can use this tool properly and change the mindset of the bureaucracy, most changes can be brought about.

The technology used today can play a crucial role in good governance. Public offices can be videographed, and they should be open to public scrutiny. Eg- police stations

The Whistle Blower Protection Act needs to be implemented, as there is a need to overhaul the entire vigilance set up in the country.

MR. ARVIND KEJARIWAL, Parivartan: “Success Stories of Fighting Corruption through RTI”

Mr. Kejariwal, in his presentation, gave examples of the successful use of provisions under the RTI Act. These examples established the power of the Act.

The RTI Act includes the following rights:

- To ask for information
- To inspect any government document
- To photocopy and government document
- To inspect government work
- To ask for a sample of a government activity

In the various government departments in Delhi, if one wants information, he/she can apply to a competent authority. If any information is withheld, incorrect or is not satisfactory, an appeal can be made to independent body set up for the purpose. The RTI Act promotes people participatory governance.

Conclusion: To sum up proceedings of the plenary session, the chair made a few insightful comments. Praising the presentation, he spoke about how the RTI provides for very stringent measures for those who do not wish to part with information. Another valid point he raised was that areas besides corruption, such as lack of technology, less efficiency, etc can also be raised under the RTI Act.

Discussions followed, with many participants coming up with interesting queries on the use of the RTI, its drawbacks, and where it can be misused. There was an enthusiastic response, and an eagerness to have questions answered, so as to clear any misconceptions that the participants might have had.