

INDIA: A country of particular concern

IS AN INEFFICIENT GOVERNMENT CONSIDERED CORRUPT?

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To a civilian, it's not about a political party but about the effectiveness of the "serving" government. Regrettably, in India an admirable statesman could morph into a questionable politician because of the unwritten corruptive dictum of the "ruling" party. Exhibit A would be the former Prime Minister of India, Dr. Manmohan Singh and the Indian National Congress.

In India and more so in Bengaluru, corruption has breathed familiarity in a multihued effect of bribery, political cronyism, extortion, nepotism, communal politics, land mafia, pogrom and the king of them all - embezzlement. The former Chief Minister of Karnataka, BS Yeddyurappa of the BJP was arrested on October 11, 2011 under the Prevention of Corruption Act for various counts that he had exploited his official position to favour his sons in the allotment of land in Bengaluru. One acre of land at Rachenahalli in Bengaluru was purchased by his family for INR 4 million (approx US\$95,000) and was re-sold to a mining company for INR. 200 million (\$4.8 million), resulting in a significant profit.

On September 27, 2014, Tamil Nadu Chief Minister J Jayalalitha of the AIADMK party was sentenced to four years in jail and slapped with INR 100 crore fine after being found guilty of corruption by a special court. There had been several other cases against her for embezzlement.

In the 2002 Gujarat riots, more classified as communalist riots, was orchestrated under the watch of the then Chief Minister of Gujarat and the present Prime Minister of India, Narendra Modi who was accused of initiating and condoning the violence with state sponsored terrorism and genocide. During the riots, Modi made inflammatory remarks and endorsed strikes and intentionally fuelled tensions. Many political analysts have defined the riots as "pogrom" (a violent riot aimed at massacre or persecution of an ethnic or religious group.) With the recent "Ghar Whapsi" and the banning of beef, has only affirmed the definition.

The United States Department of State had ultimately banned Narendra Modi from travelling to the United States due to his alleged role in the attacks.

The US Commission on International Religious Freedom Report in 2003 and 2004 called India a "country of particular concern" and cited as one reason for this

was the violence in 2002. In 2005, Modi was denied a diplomatic visa and his tourist visa was revoked.

According to the IRFA, Country of Particular Concern is a designation by the US Secretary of State (under authority delegated by the President) of a nation guilty of particularly severe violations of religious freedom under the International Religious Freedom Act (IRFA) of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106-55). The term "particularly severe violations of religious freedom" means systematic, ongoing, egregious violations of religious freedom, including violations such as: a) Torture or cruel, inhuman, or degrading treatment or punishment; b) Prolonged detention without charges; c) Causing the disappearance of persons by the abduction or clandestine detention of those persons; or d) Other flagrant denials of the right to life, liberty, or the security of persons. Nations so designated are subject to further actions, including economic sanctions, by the United States.

Mysteriously however, when Modi had become the Prime Minister of India, the United States had suffered a modi-fied political amnesia and laid out a red carpet for his visit to the US.

Misuse of "government power" as an ideal of the "ruling political party" by systematic means of genocide, repression of political opponents and deployment of police brutality and ethnic cleansing, are also considered political corruption and in that train of thought, India has seen almost a dozen former Chief Ministers either prosecuted or convicted for corruption.

On that note, would the tussle between the Delhi Chief Minister Arvind Kejriwal and Lieutenant Governor Najeeb Jung be an example of political suppression by the central government towards a Union Territory government?

The matter of debate has been as to who has more or certain powers under Article 239AA. The Rules of the "special provisions with respect to Delhi" give vast powers to the Governor, but also make it mandatory for him to consult the Council of Ministers in case of a difference of opinion between the Governor and a Minister. The only consultation that seems to stem from Lieutenant Governor Najeeb Jung was the connivance from the central government. This has left a very bitter taste in the mouths of those who were vocal about political corruption.

The former Prime Minister of India, Rajiv Gandhi of the Indian Nation Congress, a dynastic political party, was an accused in the Bofors scandal which was one of the biggest political scandals of that time, between Sweden and India during the 1980s and 1990s which was said to have been the direct contributing factor for the defeat of Rajiv Gandhi's ruling Congress party in the general elections of November 1989. There were illegal kickbacks paid in a US\$1.4 billion deal between the Swedish arms manufacturer Bofors with the government of India for the sale of 410 field 155mm howitzer guns. The Swedish company paid INR640 million (US\$9.6 million) in kickbacks to top Indian politicians and key defence

officials. Ottavio Quattrocchi an Italian businessman and the middleman for the deal, was a close friend Rajiv Gandhi, through his Italian born wife, Sonia Gandhi.

The worst of the Congress betrayal to India was when Prime Minister Rajiv Gandhi along with the then Chief Minister of Madhya Pradesh Arjun Singh deceived his own country men by showing loyalty to a foreigner and helping in the escape of Warren Anderson, the CEO of Union Carbide. The Bhopal disaster, also referred to as the Bhopal gas tragedy, was a gas leak incident in India and considered the world's worst industrial disaster that occurred in December 1984 at the Union Carbide India Limited. Over 500,000 people were exposed to methyl isocyanate (MIC) gas and other chemicals. The official immediate death toll was 2,259. The government of Madhya Pradesh confirmed a total of 3,787 deaths related to the gas release. A government affidavit in 2006 stated that the leak caused 558,125 injuries, including 38,478 temporary partial injuries and approximately 3,900 severely and permanently disabling injuries. Others estimate that 8,000 died within two weeks, and another 8,000 or more have since died from gas-related diseases. **Anderson never faced trial in the case.**

The point that I make here is, these politicians have actually turned a blind eye (negligence) to the corruption around them in exchange for a personal gain.

Corruption in the form of inefficiency in India, accommodates gross criminal indulgence and promotion of drug trafficking, money laundering, flesh trade, land litigation, sub-standard infrastructure, etc.

Negligence is a form of corruption demonstrated by deliberate inattention, laxity and neglect in an altered form of duty that contradicts the code of conduct of an Indian Civil Service official. The present wretched condition of Bengaluru civic bodies such as the BBMP, BWSSB, BESCOM, BMTCL and the rest, only reflect discriminatory affects on the provision and management services by the government to the residents of Bengaluru.

Gauging by the inter-departmental disconnect between Bengaluru civic bodies, there does not seem to be a Horizontal accountability, which now calls for social accountability and agitations through civic engagement.

This is injustice and injustice is an obstruction of justice according to the United Nations Convention Against Corruption (UNCAC) (UNODC Chapter III Articles 15-24): this act may not be considered as a criminal offence according to domestic legislation, but is "Quiet Corruption" and is an act against human rights.

Political corruption is illegitimate use and abuse of legitimate powers by government officials for illegitimate private or political gain. An illegal act by a government official constitutes political corruption when the act is directly related to their official duties, is done under colour of law (Colour of law refers to an appearance of legal power to act but which may operate in violation of law) or involves trading in influence. This has been the issue with the BBMP and its advertising department, with fraud worth hundreds of crores.

Having mentioned the above, I wish to iterate that the acts of omission and commission in this context are not the "cause" of injustice, but symptoms of the government's corruption and apathy to the common man. **This is the exact antithesis to our Constitution.**

TRANSPARENCY INTERNATIONAL'S INDIA CORRUPTION BAROMETER 2013 INDICATES THE FOLLOWING

86% of respondents in India who felt that political parties were corrupt/extremely corrupt.

65% of respondents in India who felt that parliament / legislature was corrupt/extremely corrupt

20% of respondents in India who felt that military was corrupt/extremely corrupt

30% of respondents in India who felt that ngos were corrupt/extremely corrupt

41% of respondents in India who felt that media was corrupt/extremely corrupt

44% of respondents in India who felt that religious bodies were corrupt/extremely corrupt

50% of respondents in India who felt that business was corrupt/extremely corrupt

61% of respondents in India who felt that education systems were corrupt/extremely corrupt

45% of respondents in India who felt that judiciary was corrupt/extremely corrupt

56% of respondents in India who felt that medical and health services were corrupt/extremely corrupt

75% of respondents in India who felt that police were corrupt/extremely corrupt

65% of respondents in India who felt that public officials and civil servants were corrupt/extremely corrupt

In our efforts to bring about rebuke in corruption, we have stated that if Bangalore's civic body, the BBMP were a private entity, then we could approach the consumer court. However, since it is a governmental body, the only way would be civil disobedience in the form of not paying taxes. The principle of our contention is: Inadimplenti non est adimplendum "One (Bengalureans) have no need to respect his obligation if the counter-party (BBMP/ BDA) has not respected his own." This is used in civil law to briefly indicate a principle (adopted in some systems) referred to as the synallagmatic contract.

The BBMP had booked a resident of Bengaluru because he raised his voice against his property being encroached by a sitting minister in the Congress government. When a man riding his bike with his wife riding pillion, had encountered a crater in the road resulting in his wife's untimely death, the man was booked for reckless driving while the erring officials in charge of maintaining those roads were not booked.

Right now, Chennai is under siege for the same reason. It would be convenient to blame the "disaster" on the speechless natural calamity, but this very same "nature" has been echoing in the form of climate change due to Chennai's rising pollution. In the intervals of every decade, Chennai has witnessed unprecedented rains with rivers overflowing to the extent of covering ground floors to the brim. What has the city council done for preparedness in the last fifty years? The present torrential rainfall could have not been a disastrous event if only the political and bureaucracy had been a little more ethical.

Chennai has spend millions on infrastructure only to be shamed by this "speechless" natural down pour of rain, this time speaking to the people of Chennai that the leader whom they wept for - her government has swindled its people with sub-standard infrastructure and sub-standard governance.

Having said that, Bengaluru's disaster is not far away!

"You must be the change you want to see in the world." Gandhi.