

THE SOCALLED CIVIL SOCIETY

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India is a constitutional democracy of the Westminster model, whose polity has survived the trauma of partition, wars with Pakistan and China, the cold war, internal political upheavals and even the Emergency. The Constitution has stood like a rock to which the ship called India is anchored and it has prevented the country from foundering. This is a good constitution, rigid where it should be and flexible enough to be able to keep the country democratic, secular and welfare oriented, that is, socialist in terms of a basic commitment to equity, in which freedom of expression is almost sacred. From time to time we have had governments which were weak, irresolute, even corrupt, but the basic principles remain the same.

There are weaknesses in this system also. Because we have failed to have strong political parties in which one is a centrist party, one slightly left of centre and one slightly right of centre, there has been a splintering in which a number of regional, caste based or specific interest based parties have emerged. These parties have, through a divisive process, been able to prevent a national party from getting enough votes to form a government of its own. The resultant coalitions have been too dependent on the support of splinter groups in order to continue in power and there have been too many compromises, too much bribing of these groups to permit good governance to prevail. In fact so many cases of corrupt practices in which one or the other political party in the ruling coalition has been involved have emerged of late that suddenly one can sense a wave of revulsion sweeping through the nation in which the politician and the bureaucrat have become objects of contempt, disgust, distrust and even hatred. This is understandable and certainly the media, especially the electronic media, has both highlighted it and benefited from it by exploiting its newsworthy potential to the limits of acceptability and beyond. The response of government has been weak-kneed, with the result that both citizen and charlatan have jumped into the fray.

Some of the controversy has been needlessly magnified by government's failure to share information. Without in any way going into the merits of the case in the CWG matter and the 2 G matter, both of which are under judicial scrutiny, what one found was the strange reluctance of government to share information. For example, I had written repeatedly to the Prime Minister that because the media, especially the TV channel Times Now had, increasingly spoken of the magnitude of the CWG offences as ranging from Rs. 20,000 crores to Rs. 80,000 crores, government should come out with authoritative figures on: -

1. The actual amount sanctioned for and spent on the infrastructure for the Games proper, including the stadia, other sports venues, the Games Village and equipment directly relating to the Games.
2. The infrastructure directly meant for supporting the Games.
3. The money spent on organising the Games proper.
4. Infrastructure other than direct support infrastructure which facilitated the Games.
5. Infrastructure built by the Delhi Government for the Government of India which had nothing to do with the Games but was necessary for proper development of Delhi and would have been created even without the Games. Had government done this the scale of operations would have been brought into perspective and the outcry itself would have been limited to the irregularities and corruption relating to the Games instead of covering everything that happened in Delhi from 2008 onwards.

In the 2 G case of course there is criminality in what the Department of Telecommunications did in allocation of spectrum. However, what came out in the CAG's report often reminds me of how the Delhi Special Police Establishment (CBI), reports cases of disproportionate assets of persons under investigation. Newspaper reports always state that property worth crores of rupees was unearthed, either in the form of immovables or movables. My mother bought a set of silver thalis, cups, glasses and katoris in Lahore in the year 1941. The total value of all this silver tableware was Rs.684. I have the original bill still with me. At today's value I am sitting on more than rupees eight lakhs worth of silverware. Would it be valued as my personal property at the cost at which it was purchased in 1941 quite legally, or would I be held guilty of having valuable silverware which cannot be accounted for by my present income? Similarly, a house purchased thirty years ago for rupees ten lakhs would probably be worth about a crore of rupees today, but a person under investigation today who purchased the house thirty years ago should be required to account for rupees ten lakhs and not rupees one crore. In the 2 G spectrum at the time when mobile telephony was introduced there was very low coverage and, therefore, the market was small. In order to build the market government gave concessions. Today the market is enormous. However, one cannot calculate a notional loss on the basis of differential opportunity cost because at the time that 2 G spectrum was allocated the opportunity cost was much lower. It is perfectly in order to hold that by not auctioning spectrum the Department of Communications has caused loss to the public exchequer. It is not proper to put a figure to this loss based on purely notional calculations. Government has not explained this logically even today because it has been flailing around like a herd of demented elephants trying to escape a swarm of insects which is harassing the herd. This is no way to govern.

Anyway, driven by media reports, convinced that there is terrible corruption which is destroying the country, self designated civil society has stepped in. At one end we have Anna Hazare whose personal credentials, of course, are unquestionable. At the other end of the spectrum we have Baba Ramdev, whose personal credentials are highly questionable. Anna Hazare has collected a motley crowd of people, some of them well meaning but none of them certifiably peagreen incorruptible. Baba Ramdev has also collected an equally motley crowd of supporters, including the likes of people such as Rithambara, a lady sporting saffron but spouting communal poison. The one thing that these so-called civil society groups have in common is that they are extremely noisy, they insist that they have the correct formula for saving the country and they have adopted a potent weapon of blackmail, fast unto death, as a means of forcing government to accept their demands. Neither group claims to lead a political movement. Having adopted "kasyapi sharanam gacchami" or "we are prepared to bend our knee before anyone" as its motto government has gone from one blunder to another in dealing with these groups.

Under Article 19 we have guaranteed the right to free assembly and free expression of thoughts. Everyone has a right to demand that the State governs wisely and honestly and for that purpose government must provide transparency in government and honesty in implementation of policy. The citizens can make this demand individually or in groups. They can protest peacefully, they can exert pressure on the elected representatives, they can use the media, they can place proposals for legislation before the country and generally speaking they can try and make the government of the day listen to the voice of the people. What they cannot do is bypass the political process in which elections are the means of determining who will represent us and Parliament is the medium through which these representatives legislate and call the government to account. The answer generally given to this proposition is that government is corrupt, politicians are rotten and untrustworthy and the normal political process would leave the citizens helpless. I have never before heard such arrant nonsense. The JP movement of 'sampoorna kranti' tried to change the system by going outside the Constitution and bypassing the political process. The result was anarchy and a brief period of authoritarian rule through

the Emergency. It left the Indian polity bruised and battered and even today the imbalances in the political process then created have not been fully remedied. However, the political process showed its strength by ousting Indira Gandhi and subsequently ousting the successor government for its failures. Indian democracy does have the self-healing capacity to cure itself and unfortunately the present purveyors of mayhem are destroying this capability.

We have two excellent recent examples of how our democracy functions. Mamata Banerjee in West Bengal and Nitish Kumar in Bihar used the democratic system and elections to unseat governments which had become unpopular and corrupt. It is the political process which did this, not the so-called civil society. If the weapon of civil society is to say that unless what its self appointed leaders' demand is done by government, they will fast unto death so that government has to live with the guilt of their death, then such leaders must be firmly rejected and government must stand firm. Otherwise, today it is Anna Hazare, tomorrow it will be a Hitler against the Weimar Republic.
